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*H. S. Congress*

*1855*

*May 22*

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# ABRIDGMENT

OF THE

# DEBATES OF CONGRESS,

FROM 1789 TO 1856.

FROM GALES AND SEATON'S ANNALS OF CONGRESS; FROM THEIR  
REGISTER OF DEBATES; AND FROM THE OFFICIAL  
REPORTED DEBATES, BY JOHN C. RIVES.

BY

THE AUTHOR OF THE THIRTY YEARS' VIEW.

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# NINETEENTH CONGRESS.—FIRST SESSION

## PROCEEDINGS AND DEBATES

IN

## THE HOUSE OF REPRESENTATIVES.

CONTINUED FROM VOL. VIII.

MONDAY, March 18, 1826.

### *Amendment of the Constitution.*

The House, on motion of Mr. McDUFFIE, resolved itself into a Committee of the Whole, Mr. McLANE, of Delaware, in the chair, on the resolutions for the amendment of the constitution.

Mr. BRYAN addressed the committee as follows:

Mr. Chairman: I regret that, to the other disadvantages under which I labor in addressing the committee in this stage of the debate, that of bodily indisposition should be added; but as I have the privilege of the floor to-day, I am determined to exercise it.

I am not desirous to impose upon this committee a general essay upon the constitution; but I confess, sir, I am solicitous to explain the reasons of my vote, and willing to assume all the just responsibilities of my station. In doing this, as briefly as I can, I may be permitted to regret my political inexperience, and want of constitutional learning; but, sir, I derive some consolation from the belief, that, if I am inexperienced, I am also unprejudiced. I have not been reared at the feet of any political Gamaliel; my opinions of men and measures, erroneous though they may be, are my own; they have not been assumed by compact, and therefore, sir, I feel myself at liberty to correct and amend them as experience may dictate. Upon the subject of this constitutional reformation, I have earnestly endeavored to discover the true meaning and spirit of the constitution, and am sincerely desirous to carry these into full and complete effect. God forbid that I should ever be so weak or so wicked as to displace one stone of this hallowed temple where liberty delights to dwell, for any other purpose than to secure her permanent abode. I most solemnly assure the committee, that, if I could be impelled by other motives—more especially, sir, if I should attempt to unfix a

column to promote party views or individual aggrandizement, I should deem myself an imitator—yes, sir, a humble imitator of the wretch who applied the torch of destruction to the Ephesian temple to gain an execrable immortality.

It would be a vain regret, sir, to express my sorrow, that I cannot spread before the committee the rich classical repast with which they have been so sumptuously regaled by the honorable gentleman from Massachusetts, (Mr. EVERETT.) It has not been my lot, like him, to breathe the inspiring zephyrs of the land of Homer; I have not had my imagination fired, and my heart exhilarated and ennobled by treading the plains of Marathon and Platea; I have not mused amid the ruins of Athens, and gathered lessons of political wisdom from the silent, but impressive memorials of her departed greatness; nor has fair science, "rich with the spoils of time," unfolded to me those secret treasures which she could not conceal from that honorable gentleman.

I come not here, sir, from the Lyceum or the Portico; I come, sir, from the court-yards and cotton-fields of North Carolina; and I come, sir, to proclaim the wishes and assert the rights of the people I have the honor to represent. My life, sir, has been spent among the people of my native State; the most valued part of my political information has been derived from association and converse with my fellow-citizens. I know their wants, and I *feel* them too; I know, sir, that they wish to participate in the election of the Chief Magistrate of this Union, and that they are dissatisfied with the present mode of expressing their voice—if expression it may be called.

In endeavoring to reply to the argument of the honorable gentleman from Massachusetts, I hope he will do me the justice to believe that I do so in a spirit of kindness and respect. I should do violence to my own feelings were I to act otherwise; for, although I differ from

him materially on some points, yet, when I can agree with him, I do so with lively satisfaction. He has told us, sir, that it would be unconstitutional to make these amendments. Unconstitutional! sir. This assertion is certainly contradictory to experience—to the constitution itself; and the argument seems to move in a circle. We know, sir, that amendments have been made; that one of these, the amendment of 1804, by confining the choice of the States, when the election devolves upon the House of Representatives, to three, instead of the five highest on the list of those voted for by the electors, has made a material change; it impaired too, sir, a federative power, and increased a popular one. Suppose, sir, that it should be necessary to vest in the General Government powers which an emergency might render essential for the preservation of the Union. Cases might occur which I do not even wish to imagine. Must these powers be usurped at the hazard of revolution and bloodshed? Must we sit here like the Roman Senate—quietly fold our arms, and await our destruction with dignity? or must we not rather apply for these powers in the mode prescribed by the constitution? Our ancestors well knew that they could not pierce the veil of futurity, and provide for events beyond the ken of mortal wisdom. They provided a *remedy*, sir, for evils which might be disclosed by experience and practice; and they provided a security against amendments proposed from “light and transient causes” by the *mode* in which alone they can be effected. The honorable gentleman from Massachusetts has sought to draw an argument in support of his position from the proviso of the fifth article of the constitution, “that no amendment which may be made prior to the year 1808, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.” Now, sir, to my mind, this clause, so far from helping his argument, militates most strongly against it; it indicates, to my understanding, that this special exception was necessary to exempt from amendment, for a limited time, the first and fourth clauses mentioned in it, and to confine any amendment of the federative feature in the Senate, which should deprive a State of its equal right, to the special case of the States consenting to it. I should, therefore, sir, most strongly infer, according to a very old and sound rule of construction, that the power of amendment in other cases, was to be inferred. Self-preservation is the primary law of societies, as well as of individuals, and, if necessary, we must act upon it.

The honorable gentleman from Massachusetts seems to think that the powers of the President have been greatly magnified by my honorable friend from South Carolina, (Mr. McDuffie;) he deems them very limited, and not the proper object of much jealousy. I can assure him, sir, that he thinks very differently

from the fathers of the revolution, and the framers of this constitution, and the States who adopted it. The powers of this executive chief excited very lively apprehensions in the bosoms of some of the purest and wisest of our forefathers. Some thought they had an “awful squinting” at monarchy—they imagined that they could discern “the diadem sparkling on his brow, and the imperial purple flowing in his train.” And how, sir, did the advocates of the constitution endeavor to lull these apprehensions? Not, sir, as that honorable gentleman has done, by endeavoring to persuade the people that his powers were not great; but that they were necessary to give proper consistency and strength to the system—that he was properly checked by the other departments—that he was elected for short periods, and liable to impeachment—but, above all, that he was dependent upon the people. Let us examine, sir, a few of his constitutional attributes. He is the representative of his country, among the nations of the earth. He originates treaties, and, with the advice of the Senate, confirms them; and they are the supreme law of the land. It is his prerogative to receive ambassadors, and with the advice of the Senate, to send them. He is Commander-in-Chief of the Army and Navy of the United States. His qualified veto gives him an important agency in legislation itself. He can elevate to offices of the greatest dignity and emolument. His patronage embraces the distribution of millions. He operates upon the hopes and fears of thousands. Although he has not the constitutional power of making war, yet by means of his other powers he can at any time place his country in a beligerent state. Suppose he should refuse to receive the British or French ambassador, or send him home with contumely and insult. Suppose, under the act for the suppression of the slave trade, he should order our cruisers to capture vessels in the Mediterranean, or upon some unfounded suspicions. Indeed, sir, many cases might be supposed, when, by an undue exercise of a constitutional power, he might draw upon us the anger of a foreign nation. But, says the honorable gentleman from Massachusetts, the King of Great Britain can elevate to the peerage the humblest individual, and ennoble him and his posterity. Indeed, sir, he seemed to describe the dazzling honors of a coronet with so much rapture, that those who did not know him might have suspected that, during his residence abroad, he had conceived an affection for what Chatham could not refuse.

Before I dismiss this brief examination, sir, lest I should be mistaken, I will take the liberty to say, that, although I believe the powers of the President to be great, yet I believe them to be necessary for the safety of the Republic. What the jealous statesmen of the revolution, with Washington at their head, have given, I will not presume to impair. The stress or intent of my argument, sir, is to show, that the greater power, the greater necessity that

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the due dependency on the people should be preserved.

I will admit, sir, that, before any amendment is adopted, its adaptation to the genius and spirit of the Government ought to be satisfactorily ascertained; for it is obvious that maxims and political reasons, which would justly be entitled to great weight when applied to a consolidated Government, one and indivisible, such as Britain, or any of the ancient Republics, would be inapplicable to a Government compounded as ours is, of national and federative features. They too often serve to create false analogies, and lead us astray from the true points of inquiry. The checks and balances of the British Constitution are contrived and intended to protect and preserve the King, Lords, and Commons, who are all integral parts of the same State—different classes of the same political society. The checks and balances of our constitution are intended to protect the Union, the States, and the people. The States, according to the theory of our constitution, are independent members of a Confederacy, and are, themselves, in many respects, sovereign. We must, therefore, always keep in our mind's eye, this leading and animating principle, when we sit in judgment upon this great work of our fathers. In all human affairs, "self-love, the spring of action, moves the soul." This principle is ever active and vigilant, and may be relied upon as a faithful sentinel for its own preservation.

The framers of the constitution well knew that the States were the best guardians of State rights—the people of popular rights; it was only necessary, therefore, to give them, respectively, in this form of government, adequate power, and their self-love and interest might be relied upon, for their exercise and preservation: if this could be done, and the political machine which was to be moved by these powers so adjusted, that they should have a harmonious and salutary action, the grand object of all government was attained—they had then a self-creating political movement, whose object was the happiness of the governed. It would be collateral, Mr. Chairman, to the present inquiry, and would also be presumptuous in me to attempt to point out to the committee the many indications of these mixed principles. The subject before us regards solely the constitution of the President and Vice President. Was it to be supposed that they should lose sight of these controlling principles in the mode of appointing this great officer—the Executive Chief of the confederated Republic—whose constitutional action was to have so important, so pervading an influence in the character of the Government—the policy and the destiny of the nation? No, sir, it was not to be expected, nor has it so occurred. The constitution declares that "each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the

State may be entitled in Congress," &c. It then proceeds to direct that they shall meet in their respective States, and ballot for President and Vice President, and point out the mode of conducting the election by the Electoral Colleges.

It seems to me, Mr. Chairman, that the constitution here, by the word "*State*," means the Commonwealth—the political society—the people, or at least that portion of them who exercise the elective franchise; and therefore, that, whenever the State Legislatures have exercised the power of appointing the electors, instead of simply directing the mode in which the State should appoint them, they have violated the rights of the people. It would have been very easy, if the power was intended to be given to the Legislatures, to have used expressions plainly indicative of such an intent—and the inference that they would have done so, is rendered to my mind irresistible, by recurring to the first clause of the third section, which prescribes the mode of electing Senators. The expression there is, "The Senate of the United States shall be composed of two Senators from each State, chosen by the *Legislature* thereof," &c. But the honorable gentleman from Virginia, the second from that State who spoke in this debate, (Mr. STEVENSON,) contends, and his argument is supported by the honorable gentleman who immediately preceded me, (Mr. EVERETT,) that it is not only constitutional for the Legislatures to exercise this power of appointing the electors, but that it was even expected they would do so. Sir, I do most conscientiously differ from these gentlemen, and I will endeavor, by the indulgence of the committee, to show that, if the contemporary exposition of this part of the constitution, by its advocates, is to be relied upon, that it was *not* so understood and explained. If Hamilton and Madison, combined, and agreeing upon this point, are entitled to credit, it was intended that the *people* should exercise this power of appointment.

I refer, sir, to the "*Federalist*," a series of essays written before the adoption of the constitution, by Madison, Hamilton, and Jay, for the purpose of explaining and recommending it to the people of the United States, and which is now resorted to, by all parties, as the ablest and most authoritative exposition of its true intent and meaning. In No. LXVIII., Hamilton, speaking of the mode of electing the President, says, "It was desirable that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, not to any pre-established body, but to men (electors) *chosen by the people*, for the special purpose, and at the particular conjuncture." "A small number of persons (electors) *chosen by their fellow-citizens* from the general mass, will be most likely to possess the information and discernment requisite to so complicated an investigation." The language of Mr. Madison, in the Convention of

Virginia, which assembled in 1788, for the purpose of considering whether they should adopt this constitution, is equally, or more, clear and explicit. Instead of the people's voting immediately for President, which he thought the population and extent of our territory might render impracticable: "instead of this, (immediate suffrage,) *the people* choose the electors—this can be done with ease and convenience, and the *choice* will be more select." If we examine the debates of this Convention, we shall find that it was so understood, also, by those who opposed the constitution. This meaning was assumed as the basis of argument on both sides; and, if we reflect a moment on the very many able men who sat in that Convention, it would be most violent presumption to say, they were mistaken, with all their talents and all their lights.

If we assume, then, that this was the intention of the constitution, let us see what has been its operation. Have the people chosen the electors? I ask this question, Mr. Chairman, in the name of my constituents, and I wish an explicit answer. From the omission in the constitution to prescribe a specific mode, (which I think I shall be able to show, if my strength will permit, was done intentionally and wisely,)—from this omission, I say, sir, a great latitude of construction, and a great diversity of practice, has originated. In some States the Legislatures appoint—in some the general ticket system prevails—in some few the district system—and in others a compound of some two or all of these modes. My honorable friend from South Carolina, (Mr. McDUFFIE,) has depicted the mischiefs of this confused and unsettled system, in such strong and glowing colors, that I cannot presume to add any thing to their effect. It is true, sir, that, by the present mode, combinations may be, and have been, formed, which have prevented a fair expression of the popular will. The people are called upon to vote a ticket, (under the general ticket system,) containing 15, 24, or 36 names—to vote for, to *choose* persons, of whom they may never have heard before—of whose qualifications they have never had an opportunity of judging—whose integrity has never been tested—and if this ticket had dropped from the clouds, they must take it or lose their vote. Call you this *choice*, sir? I have always thought, sir, that choice involved selection of one or more from others—"from the general mass"—that it involved knowledge, comparison, voluntary preference, and was a right of more or less value, according to the importance of its object. What temptation and opportunity is presented by this system, for intrigue and management! What apathy and indifference are manifested by the people, for such a feeble and dubious exercise of this great constitutional privilege! Even under the excitement of the late election, how many neglected the exercise of this right! And, should it not be, sir, the policy of every wise Government to interest its citizens in its

organization? Under the present system, how many worthy citizens remain at home, under the paralyzing influence of the conviction that they can do no good—that the election is in the hands of the cunning few, and that it is a mere mockery for them singly—without concert; without the animation derived from a prospect of success, to pretend to withstand the disciplined cohorts opposed to them. This lethargy is almost worse than faction itself. It is more secret—more insidious in its approaches. It disguises itself under the name of moderation, and aversion to debate and strife, when it too often proceeds from a criminal indifference to those rights which our ancestors bled and died to secure. They are men of business—they can't lose the chance of turning a penny to promote any public measure. It would seem, sir, as if some of them had taken, in earnest, the sarcastic advice of the Roman satirist—

"Virtus post nummos."

Let any man look abroad—through the *Union*, I mean, and deny, if he can, that this is a faithful picture. Surely, sir, it requires no prophetic voice to warn us against so dangerous a delusion. Surely, sir, we will spare a little time to listen to the "Farewell Address" of the Father of his Country.

I admit, sir, that it is not sufficient to show the existence of an evil unless it can be remedied, either wholly or partially—but, I insist, sir, that the adoption of the District System, as proposed by the good old State I have the honor, in part, to represent, so inadequately—and a direct vote, in Districts, for President and Vice President, will cure the most alarming of these evils. The constitution, by interposing the electoral colleges, undoubtedly intended that they should exercise a sound discretion in the choice of a President—they were "to analyze his qualifications, and judiciously combine motives of choice." Fed. No. 68. But, sir, the people of this country, as has been shown in this debate, and elsewhere, have not been content with simply the right of originating the colleges, even when committed to them by their State Legislatures—they have always required a pledge, or some evidence, of the elector or electors, for whom they intended to give their ultimate vote, before they would give their vote to him or them. Here, then, sir, the intention of the constitution has been manifestly defeated—this seems to be a case in which experience suggests amendment. The people, sir, although they will hear argument and reason, yet will finally judge for themselves. But even here I would lay my hands on this venerated instrument with great reluctance. The pure and enlightened views of its framers plead strongly in its behalf; and although we may not now discover the evils which may result from the change, yet time—time and casualty may disclose them. But, sir, as I believe that the design of its framers has been defeated, I would hazard this amendment.

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It would have, sir, I think, the effect of rousing the people from their torpid quietism; it will make them feel that their voice is heard—that their vote is felt; and the voting directly and immediately for the man of their choice, will of itself be productive of a lively satisfaction. They will then know that their vote is given as they wished it should be, and is beyond the control of any political legerdmain. They will not be agitated by the merits of the several electoral candidates, but their eye will repose singly on the man of their ultimate choice. I understand a case has occurred in Maryland, where there were two electoral candidates for the same Presidential candidate, and one for another Presidential candidate, and, although the district gave a large majority for the Presidential candidate who had two friends as electoral candidates, yet the third candidate obtained the greatest plurality, and thus the vote of the district was given to that candidate for the Presidency, against whom there was a large majority. This cannot happen when the people vote directly for the President. An honorable gentleman from New York, (Mr. SROGGS,) has asked those who contend for this expression of the popular will in this mode—why not extend the principle? and has alluded to a species of population which, without being citizens, is counted in estimating the ratio of representation from the Southern States. Sir, if he had shown us that this amendment would have conferred any additional power on these States, the observation would have had some bearing; or if he had shown that they would have derived any peculiar advantage, it would have been more plausibly introduced into debate; but as it is—whatever it may be—it is not an argument.

The honorable gentleman from Virginia, who spoke first, (Mr. ARONER,) has discoursed with much State pride on the freehold—*viva voce* suffrage of Virginia. He has told us that the mode of voting by ballot is a sneaking way; that they “sneak up to the polls,” and that he would exile himself if the freehold qualification was abolished in Virginia. Now, Mr. Chairman, I have understood that a large portion of the citizens of Virginia, particularly in the West, are very anxious to have their constitution amended, in order to be permitted to exercise the elective franchise; but, perhaps, after the honorable gentleman's threat to leave them if they do, they may desist. I imagine, sir, that it would be an easy matter for any other State to give her citizens the same independence as the citizens of Virginia have, by adopting the same mode—by making a freehold necessary to vote, and by protecting that freehold from the payment of debts; they might then, sir, be so independent as not only to tell a candidate *viva voce*, that they would not vote for him—but also that they would not pay him a just debt—and that, too, “*viva voce*,” sir. But, sir, with the right of suffrage the constitution has laudably omitted to interfere; nor

does this amendment seek to interfere. The constitution has omitted it, sir, as I said, for the wisest reasons.

The requisites to the rights of suffrage are very different in the different States, and even in adjoining States; in Virginia, as we have seen, none but freeholders can vote—in North Carolina, sir, it is the birthright of every freeman. If, therefore, the constitution had attempted to fix a uniform rule on this subject, the strange anomaly might have been presented of a man's voting for the highest officer in the Union, who could not vote for the lowest State officer. It might also have interfered materially with the polity of a State. This amendment, therefore, sir, does not at all interfere with State rights; their quantity of power remains the same: its ratio of adjustment is not disturbed—and either with regard to the Union, or each other, they preserve the same relative rights. It will also prevent the arraying of State against State—as the supporters of the President will be diffused through the Union; unreasonable jealousies will thus be prevented, and sectional feelings and appellations, against which the Father of his Country entertained so much apprehension, will be deprived of one of their most powerfully exciting causes, and it may well be doubted, whether any citizen of any State, with an American feeling, would not greatly prefer that the candidate of his choice should be President, than that his State should give an undivided vote.

The proposition that the Senate should elect, points clearly to the State power; and this qualification being retained when it was transferred to the House of Representatives, shows conclusively that this was a point not to be conceded. Indeed, sir, the convention *repeatedly* decided against any mode by which this officer should be elected, without a participation by the States as States: the plan finally adopted was the result of fair compromise, and was much complained of at the time, as giving too much influence to the large States. Let us recollect, too, sir, that, by the amendment of 1804, which I before mentioned, this State right has been considerably abridged.

The power of the House, as exercised in this election, is really the only *purely federative* feature that now remains. The Senate do not vote by States, but individually. But, sir, the great argument relied on is the liability of this House to corruption—to undue dependency by the expectation of honors and offices. I know, sir, that patronage addresses itself to some of the most powerful feelings that reign in the human breast—to hope, to pleasing hope—that passion which animates the lottery adventurer, and the monarch on the embattled plain; to the desire of distinction, from which the wisest and best are not exempt; to ambition, which, however immoderate, persuades itself that it is our country, and not ourselves, that we serve. I admit, sir, that the arguments of the honorable gentleman from South Carolina, (Mr.



MoDUFFIE,) deserve great consideration; but, sir, they prove too much, if any thing—they certainly prove, as the honorable gentleman from Massachusetts (Mr. EVERETT) has shown, that we ought not to be entrusted with the mighty powers of legislation, which the constitution has vested us with, and which involve the weal or woe, not only of this nation, but perhaps of the world. I cannot see those frightful omens which some gentlemen think they can discover in the political horizon. I see no bulwark of the constitution broken down; the ramparts are entire, and the sentinels, I trust, are at their posts. I have not heard the tocsin of alarm sounded by the State legislatures, nor have I seen the flaming brand passed from hill to hill.

The late Presidential election duly and constitutionally devolved upon this House, and was duly and constitutionally made, and every good citizen is, I trust, disposed to judge "all those in authority" by their measures.

But, sir, if the deformed features of corruption have been here manifested, is there no mode of expelling the monster, but by digging up the foundations of the constitutional edifice? If the golden shower has penetrated the massy walls of the Capitol, close the avenues; if we cannot resist temptation, let us fly it. Let us pass a self-denying ordinance—exclude members from office. But do not, sir, because we are frail, disfigure the monuments of our ancestors' wisdom and virtue. Let us rather endeavor to elevate ourselves to their standard, than destroy the standard itself. I have thus endeavored, Mr. Chairman, not only to express my opinion, but to assign my reasons. I was not disposed to shrink from responsibility by a silent vote for these amendments. I feel a conviction, sir, that I have at least endeavored to do my duty: and, sir, there is no feeling I prize more highly, or would purchase more dearly.

Mr. POLK then took the floor, and spoke to the following effect:

Mr. Chairman: After the able and very interesting discussion, with which we have been favored upon the present occasion, but little remains to be said upon this important subject. And I should, sir, upon this, as I have done upon other occasions, have contented myself to have given a silent vote, but for the acknowledged importance of the great question upon which we now deliberate, and that I represent here a portion of the free people of this country. As their humble organ, I should be censurable, indeed, not to express their will upon a subject which is not local in its character; which does not affect, in the decision which we are called upon to make, any one State, or portion of this Union, to the exclusion of another; but upon a subject, in which the whole people of this mighty Confederacy feel much concern. Yes, sir, said Mr. P., the proposed amendments to the constitution, contained in the resolutions upon your table, involve, as it seems to me, a

question of vast interest to the people of this country. They involve, sir, the question of their sovereignty. *That this is a Government based upon the will of the People; that all power emanates from them; and that a majority should rule;* are, as I conceive, vital principles in this Government, never to be sacrificed or abandoned, under any circumstances. In theory, all sound politicians admit the abstract proposition, that the people of this country are sovereign; that they are the source of power; and that, in a representative Republic like this, the majority should rule, and the minority submit. These constitute the basis, upon which rest all your political institutions. But, in practice, how does their sovereignty operate in the election of the Chief Magistrate of the nation? Are the people, in fact, sovereign? Does the power that elevates this distinguished individual to this high station, always emanate from them? Do a majority always prevail? The history of past events answers the question. The possibility, much less the increased probability, that it may be otherwise, under the present provisions of the constitution, strongly urges the necessity of making some amendment, whereby the desirable end may be attained, that the individual who is called to preside over the destinies of this nation may be the choice of a majority of its citizens. But here, sir, I am met at the threshold, by the argument of the gentleman from New York, (Mr. STORRS,) and told, that it never was intended, by the framers of the constitution, that the people should exercise the important function of electing the President and Vice President of the United States; that the popular principle, in relation to this election, was limited; that it was a mixed power, partaking of the popular and federative principles; that it was intended that there should be a great rallying point for the States, in the House of Representatives, when the primary electors should fail to make a choice, and when the contingency should happen, that the election should devolve upon Congress. If the gentleman be right, in the proposition which he has assumed, I am free to admit that I have been wholly mistaken, and totally wrong, in my conceptions upon this subject. But, before I attempt to answer the argument of the gentleman, suffer me here, Mr. Chairman, to make this general remark. Almost every gentleman who has addressed the committee upon this occasion, (I believe I should not err if I were to say all,) seem to have viewed this subject as though we were about to perform an ordinary act of legislation *under* the constitution; as though we were about to enact an *electoral law*, to carry the provisions into effect: and not as though we were called upon, by the propositions now before us, to amend the *fundamental law* of the country—the *constitution itself*. And if the gentleman from New York was right in his premises, as to the intention of that bright galaxy of statesmen who composed

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the convention of '87—that framed the constitution, (which I am far from believing, and cannot admit,) still I would maintain, that, after near forty years' experience of the practical operations of this constitution, it was sound policy, and important to the stability, duration, and harmony of the Union, to amend the constitution, and give this important power directly to the great body of the American people. But, sir, is the gentleman from New York right? Was it, as he supposes, never intended that the people of the United States should elect the President? If, sir, I had no other argument to light up my mind to a correct conclusion upon this point, than those that are legitimately to be drawn from the constitution itself, I should be amply sustained in the opinions I have formed. Is it reasonable that the people of the United States, who had but recently broken the chains of their slavery, and shaken off a foreign yoke—who were about to form for themselves a system, a free and republican system, of Government—is it reasonable, I repeat it, sir, that they should have intended to disfranchise themselves in this important particular—the election of the first officer of the Republic? What, sir, is their language, in the preamble of this constitution? "*We, the People of the United States,*" &c., "*do ordain and establish this Constitution for the United States of America.*" But I will not fatigue the committee, by reiterating the able arguments of the honorable member from South Carolina, (Mr. DRAYTON,) drawn from the constitution itself, upon this part of the subject. It is fresh in the recollection of every gentleman, and proves satisfactorily and conclusively, to my mind, that the framers of the constitution contemplated and intended, that the people should be the electors of President and Vice President; that they viewed a recurrence of this election to the House of Representatives as a remote possibility, and one which would seldom, if ever, occur. We are not, however, left to ferret out their intention by the letter, or by the construction of the constitution alone. Other evidences are within our reach. What were the opinions of a distinguished member of that Convention, as contained in the writings of the *Federalist*, so frequently referred to in the course of this debate—what, sir, were the opinions of Alexander Hamilton? With all his anti-democratic principles, did he contend, in the numbers of the *Federalist*, written by himself, and designed, together with the numbers of his able coadjutors, (Mr. Madison and Mr. Jay,) to furnish to the American people a fair exposition of the new constitution—written at that critical period, too, when this constitution was suspended before the conventions of the States, for ratification or rejection? Did he contend that the President was not to be elected by the people? No, sir! Whatever might have been his own individual opinion of what the constitution ought to have been, he knew too well the in-

tention of the Convention as to what it *was*. In the 68th No. of that work, he says, it was desirable that the sense of the people should be ascertained in this important election; that, for this purpose, the election was not made to depend on any pre-existing or pre-established body of men, who might be tampered with, to prostitute their votes; but the choice was referred to an immediate act of the people of America; and that it was intended that the President should be independent of all others, but the people, for his election. I have not the number to which I refer, before me, but I state it substantially correct. In the Convention in Virginia, to whom this constitution was submitted, for ratification or rejection, what were the opinions entertained by its distinguished members? Did they understand that the people were not to elect the President? No, sir. Governor *Randolph*, in answering an objection which had been made to this part of the constitution—that foreign influence would operate in the election of the President—says: "The electors must be elected by the people at large. To procure his re-election, his influence must be co-extensive with the Continent; and there can be no combination between the electors, as they elect him on the same day in every State. When this is the case, how can foreign influence or intrigue enter?" The late venerable President of the United States, (Mr. Monroe,) who has gone into retirement, and, I am sorry to say it, sir, in penury and want—for, whatever else may be said of him, it may be truly said, he was a faithful and useful public servant, in those trying times when his country realized the value of his services—he said, upon this occasion: "The President ought to act under the strongest impulses of rewards and punishments, which are the strongest incentives to human actions. There are two ways of securing this point. He ought to depend on the people of America for his appointment and continuance in office. He ought, also, to be responsible, in an equal degree, to all the States, and to be tried by dispassionate judges. His responsibility ought, further, to be direct and immediate." Mr. Mason, and Mr. Madison, too, who were distinguished members of the Convention of Virginia, do not seem to have understood this subject as the gentleman from New York professes to do. They maintained that "the choice of the people ought to be attended to." But, at the period when this constitution was presented to the States for ratification, it was an alarming crisis to the people of this country. The Articles of Confederation had proved inadequate to the great purposes of self-government. The question presented to the States was, ratification or rejection of the new constitution. Rejection, and anarchy, and confusion, with despotism in their train, were most likely to be the consequences; and though some objections might have existed to the constitution, in this particular, as possible, in a remote degree, yet,

under the circumstances, ratification was better than rejection. At that period, it was thought by the sages of that day, distinguished for their talents and political sagacity, that it was barely possible that the election could devolve on Congress. They had fixed their eyes upon that distinguished man, "*the Father of his Country*," as the first who was to fill this high office—an individual upon whom all united with one voice. They could not pierce the veil of futurity, and see the new system fully develop itself. What they could not anticipate or foresee, we have realized. Is there any gentleman here, with his past observation and experience, who will hazard the opinion, that this election will hereafter but seldom devolve upon Congress? Is there any gentleman here, who will deny that, under existing circumstances, this important election, under the present provisions of the constitution, must, in all probability, most generally, terminate in this House? If such must probably be the result, is not the intention of the constitution, and of its framers, that the people should elect the President, defeated? If, by the unforeseen operations of the constitution, the people have, in effect, been deprived of an important right, which they ought to possess and exercise, and which I maintain was intended to be given to them, are we not called upon, by the most solemn obligations, to restore it to them?

But, to consider this subject more systematically—the resolutions under consideration naturally divide themselves into two distinct propositions: 1st. That the constitution shall be so amended, that the election of President and Vice President shall, in no event, devolve upon the respective Houses of Congress. And 2d. That the constitution shall be so amended, that each State in the Union shall be divided into as many districts as there are Senators and Representatives in Congress, from each respective State, and that each district shall give one vote.

In examining these two propositions, although distinct in themselves, I shall not view them as distinct and substantive propositions, unconnected with each other in their *effects and operations*, as some gentlemen have done.

In support of the first proposition, it will be necessary briefly to notice some of the defects of the present constitution, and why it is that the election of this high officer should, in no event, devolve upon Congress. The first reason which suggests itself to my mind, why it should not there devolve, is, that the President is not an officer of Congress; he is not an officer of the House of Representatives, but he is the Chief Magistrate of the whole people of the Union, and should be directly responsible to the people for his conduct in office, and be dependent upon them for his re-election. The surest guarantee that, in his administration, he will consult the interests of his constituents, and, to the extent of his ability, pursue a wise

policy, is the certainty, that, at the expiration of his term, he must return again to the body of society, and submit his public conduct to the scrutiny of impartial examination; is the certainty that, if he has disregarded or negligently mistaken the best interest of the country, he will not be again elevated to that high station, but must seek the "post of honor in a private station;" must share with the body of his fellow-citizens their burdens, and must participate with them, the evil effects of his own policy. But if he is remotely responsible to the people, and dependent directly upon a select or pre-existing body of men for his appointment, it is human nature, and he will study more to conciliate his immediate electors, than to advance the interest of the community. But, sir, the election ought, in no event, to devolve upon the House of Representatives, for a much more important reason, and one which, with me, is conclusive. It is, because a minority as well in the Electoral Colleges, under the present provisions of the constitution, as a minority of representatives in Congress, may elect him, and thereby destroy and overturn in practice what all admit in theory—that a majority should rule. According to the present provisions of the constitution, there are as many electors for President and Vice President, as there are Senators and Representatives in Congress. By the last apportionment, which I shall take as an example, for the purpose of illustrating the argument, the number of electors is 261. A majority of the whole number of electors is necessary to a choice in the primary Colleges; and if the Colleges of Electors fail to elect, then, out of the three highest on the list of those voted for by the electors, the House of Representatives, voting by States, is to choose the President. Suppose, for example, sir, that *A* and *B* are the prominent candidates before the people for the Presidency. *C* is likewise a candidate. *A* receives 120 electoral votes, *B* receives an equal number, and *C* receives the remaining 21 votes. *C* may have been supported by one or two of the States, or may have received the votes of a part of the people of some one of the larger States. *A*, *B*, and *C*, in this event, are presented to the House of Representatives, the three highest on the list of the electoral votes, out of whom the House is to choose the President. An election, under these circumstances, takes place in the House, where the votes are taken by States; and *C*, who has received a small minority of electoral votes, may be elected President of the United States by thirty-one Representatives, upon this floor, out of two hundred and thirteen, the whole number of Representatives: for thirty-one Representatives here, from the thirteen smaller States in the Union, have it in their power to control and to give the votes of thirteen States, and thereby elect the President against the will of the remaining one hundred and eighty-two Representatives, as is demonstrable thus:

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<i>No. of Reps.</i>	<i>Reps.</i>
Mississippi has	1, a majority is 1
Illinois	1 do. 1
Missouri	1 do. 1
Delaware	1 do. 1
Rhode Island	2 do. 2
Alabama	3 do. 3
Louisiana	3 do. 3
Indiana	3 do. 3
Vermont	5 do. 5
New Hampshire	6 do. 6
Connecticut	6 do. 6
New Jersey	6 do. 6
Maine	7 do. 7
45	31

Thus the whole number of Representatives upon this floor, from thirteen of the smaller States in the Union, is only forty-five. A majority of the representation from each State have it in their power to control, and give the vote of that State; and thirty-one Representatives here constitute the sum of the majorities of the delegations of thirteen States of the Union. Thus *C*, with only twenty-one electoral votes, against the remaining two hundred and forty electoral votes, and with thirty-one Representatives, against the remaining one hundred and eighty-two Representatives, may be elected the President of the United States. But suppose a case still more extreme—it is certainly possible it may occur, and therefore I am justifiable in using it—suppose *C* receives but one solitary electoral vote, and the remaining two hundred and sixty are equally divided between *A* and *B*. In this event *C* is constitutionally presented to the House of Representatives as one of the three highest on the list. With but one single electoral vote, thirty-one gentlemen upon this floor, have it in their power to elect him the President of the United States. Will gentlemen say these are extreme cases, and will probably never occur? I answer, it is possible they may occur, and cases approximating to them, and the same in principle, will, in all probability, often occur. But shall I be told that the Representatives of freemen will never be so lost to a sense of duty and responsibility to the people, as to disregard their will, and palm upon them a President not of their choice? Experience is the best of tutoresses, and from her we may learn many salutary lessons. I refer gentlemen to the memorable contest in the House of Representatives, of 1801, between the venerable Jefferson and Aaron Burr. The latter had not received a single vote in the contemplation of the people, or of the electors, for the Presidency; the friends of the former for the Presidency had supported the latter for the Vice Presidency. Yet, having received an equal number of votes, the one evidently intended to be President, and the other Vice President, under the then provisions of the constitution, it became necessary for the House of Representatives to determine, voting by States, which of them should be

President. With all these facts staring them in the face, a portion of the Representatives of the people at that day, were not so scrupulous of violating the people's will, as to surrender, without a struggle, the Chief Magistracy to the man of their choice. No, sir; a doubtful issue ensued, when the sable curtains of the night were drawn around; midnight balloting after balloting followed; this mighty Confederacy was shaken to its centre: for days the result was suspended. Fortunately, the American people in that struggle ultimately prevailed; a victory of principle and of the people was obtained; a majority still ruled. And who can tell, sir, what might have been the consequences, if it had terminated otherwise? I shudder to contemplate what might have been the fate of this happy country. But I shall not fatigue the committee, by indulging in conjecture upon this unpleasant subject. I have referred gentlemen to this part of our history to show, that if, in that case, the contest was rendered doubtful for a season, where the individual had not, in contemplation of the people, received a single vote for the Presidency; that it may occur, under the present provisions of the constitution, where an individual may have received a very small number of Electoral votes, as in the cases I have supposed.

It may happen, sir, that a minority may thus elect the President, when the election devolves upon this House, from personal partialities to the individual elected, and thus palm upon the nation a President evidently not the choice of a majority of the people of the United States; not the choice of the immediate constituents of those gentlemen, upon this floor, who may elect him; and not the choice of a majority of the Representatives in Congress. It may happen, sir, that the first choice of the Representative here, holding in his hands the power of controlling the vote of his State, may not be returned to the House as one of the three highest upon the list. The second choice of the Representative may be essentially different from the second choice of his constituents, if the election were again referred back to them. The Representative may be ignorant of the will of his constituents, or if he know their will, he may affect ignorance of it. But the doctrine is maintained by some politicians in this country, and I appeal to your experience to know, sir, whether it has not been openly avowed upon this floor, that there is no connection between the Representative here, and his constituents at home; that the Representative here is not bound to regard or obey the instructions of those who send him here. For myself, I have never entertained such opinions, but believe, upon all questions of expediency, that the Representative is bound to regard and obey the known will of his constituent. Other gentlemen, however, entertain different opinions; and when such opinions are entertained and openly avowed, what security have the people that their rights will be preserved, when

the preservation of them depends upon the accidental, interested, or capricious will of their public servants? Thus the President may be elected by a minority of the Representatives in Congress, who may be of opinion that they have conscientiously discharged their public duty.

But is there no danger, sir, when the election of the first officer of the first nation in the world is to be made by a select and pre-existing body of men, that even the Representatives of freemen may, in an evil hour, be tempted to depart from the path of duty, receive the wages of iniquity, and prostrate at the shrine of some ambitious aspirant to the Presidency, the public will, and with it the best interests of the country? Shall *we* assume to ourselves the high prerogative of being uncontaminated and incorruptible, when the same attributes are denied to all the rest of mankind? Is immaculate purity to be found within these walls, and in no other corner of the earth? Have you not yourselves, sir, in your legislation in relation to this very subject—the election of a President—given incontestable evidence that you are distrustful of human nature? Why is it, that, by the act of Congress of 1792, designed as it was to carry into effect that part of the constitution in relation to the election of a President, you provide that the electors in each State shall be elected within the thirty-four days immediately preceding the first Wednesday in December, in every fourth year, the day upon which the electors, throughout the Union, are required to give their votes? Why this short intervening period between the choice of the electors, and the day upon which they shall give their votes? It was a wise provision, made to prevent the possibility of tampering with them; to prevent intrigue, corruption, bargaining, and sale; to prevent the interference of political jugglers; and to keep pure the stream as was the fountain, the people, from which it flowed. So particular have you been upon this subject, and so cautious to preserve the purity of the electors, that you have given them but a short and transitory existence; and if any one of them should be elected more than thirty-four days before the day upon which he is required to vote, the presumption of your law is against him, and his vote will not be received: But is not the House of Representatives likewise a pre-existing body of men? Are they not collected together at one point for weeks together, between the period when it is ascertained that the primary electors have failed to make a choice, and the day upon which they are called upon to vote? Is it not as probable, to say the least of it, that they may be tampered with to prostitute their votes, and that they may be corrupted, as that twenty-four separate electoral colleges, dispersed over the twenty-four States of the Union, might be? In the one case you have been distrustful, and have provided against the possibility of undue

influence of any kind, so as to thwart the public will. In relation to the electoral colleges, you have adopted, by your laws, the salutary maxim, “lead us not into temptation.” Would it not be quite as safe to adopt it in relation to ourselves?

But we are told by the honorable gentleman from New York, (Mr. STORRS,) that, for the honor of this House, a suspicion should not be indulged that its members could be corrupted. Let it not be told, says he, at the court of St. James, or upon the continent of Europe, that even suspicion had been openly entertained upon the floor of the American Congress, that any of its members were corruptible. And the gentleman from Massachusetts, too, (Mr. EVERETT,) denies in broad terms the corruptibility of this House. Sir, it is a humiliating idea, a painful thought, I admit, that the Representatives of freemen could, under any circumstances, barter away or disregard the rights of the people for their own individual aggrandizement. But human nature is the same in all ages of the world. All past history has shown that it is unsafe to rely upon virtue alone when strong temptations are presented. And what stronger temptation to corruption and the abandonment of principle than the Presidency, can be held out to an ambitious man aspiring to that high office? The President of the United States, when elected, has an immense patronage to bestow; has many honorable and lucrative offices in his gift. And what stronger temptation than to receive the patronage in his power, can be held out to the few assembled here, who have it in their power to elect him? I apprehend, sir, if this election shall frequently devolve upon Congress, that a door will be opened to corruption, intrigue, and to office hunters; and I apprehend, further, that through that door the evil-doer may one day enter, and sap the foundations of this happy Republic. Other countries have been revolutionized and involved in anarchy and confusion, upon whose ruins despotism has erected her throne. I hope, sir, my apprehensions may be unfounded; but surely it is prudent in us to take warning from their example, and close the door through which unprincipled men may enter, and obtain an advantage. It should be remembered, too, that, in many of the States of the Union, the Congressional elections, for the next Congress, have transpired some twelve or eighteen months before the Presidential election; the member is either defeated by a more favored citizen of his district, who is to supply the place here, and his direct and immediate responsibility to the people is destroyed; or he has been previously elected, and is assured that he will at least hold his seat here, if he desire it, for another term. If he has been defeated at home, he seeks elevation and promotion elsewhere; if he has been successful at home, he hopes his good constituents may forget his political sin before the next election; if he should still desire to

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hold the seat, he hopes, by the assistance of Executive influence, he may effect some local measure that may reconcile his constituents, or balance in their estimation the evil deed he has committed. Another argument, Mr. Chairman, of the gentleman from New York, struck me with peculiar force. If, says he, this Government is ever destroyed, it will not be by men in power, but by men out of power. And the gentleman from Massachusetts, (Mr. EVERETT,) who succeeded him, used a similar argument, and told us, that if the Government was ever destroyed, it would not be by a President elected by a minority of the people, but by a President elected by an overwhelming majority of the people; by some "*military chieftain*," that should arise in the land. Yes, sir, by some "*military chieftain*," whose only crime it was to have served his country faithfully at a period when that country needed and realized the value of his services. I know, sir, there are some politicians in this country who are continually in alarm, or affect to be so, lest the people should destroy the Government. And I know, sir, there are others, and I am bold to say I am of the number, who are of opinion that, if this happy Government is ever destroyed, (which God forbid!) it will be by the encroachments and abuse of power, and by the alluring and corrupting influence of Executive patronage. Rely upon it, sir, that if you should ever see an Administration of this country, whose elevation, whose measures, and whose policy, are not supported by the good feelings and opinions of the people, there will be more danger, infinitely more danger to be apprehended from them, than all the ideal dangers which the gentlemen seem to apprehend are covertly lurking among the great body of the people of this Union.

I shall not, said Mr. P., dwell upon another argument, which has been very properly used by some gentleman in the course of this debate—that when the election comes to this House, it is calculated to interfere with, and impede the ordinary business of legislation. It has not been my fortune to witness the effects of an election here; this is the first time I have had the honor to be a humble Representative of a portion of this people upon this floor. I could wish, upon this great occasion upon which we deliberate, that they were more ably represented. But though, sir, I have not witnessed the scene, I have read of its effects upon two occasions, in the history of my country, and can well conceive that members of Congress will be too apt to neglect all the important subjects of legislation, in devising plans, intriguing, and managing, to promote the success of their favorite candidate. If there should be no corruption, still it is calculated to distract their deliberations. It will produce excitement; arouse all the angry feelings of our nature; create heart-burnings, party feelings, and sectional jealousies, detrimental to the public welfare, and dangerous to the duration and stability

of the Government. The effects produced will not, probably, terminate with the election itself, but will mingle and be felt in your deliberations for years afterwards.

We can no longer, as our fathers did, contemplate the immortal Father of his Country, upon whom all united in elevating to this high station: nor can we call into our service the immortal author of the Declaration of Independence. A new generation are about to assume the places of their fathers; many are the aspirants to this high station; public opinion is divided, and cannot, in future, be often concentrated on any one individual. Under these circumstances, it is idle to suppose that this election can be prevented from terminating ultimately in the House of Representatives. That it will often devolve here, cannot be doubted; that it should not do so, I have attempted, and, I hope, satisfactorily, shown.

These are some of the objections to the constitution in its present form, and some of the reasons which have presented themselves most forcibly to my mind, why the election of President and Vice President should in no event devolve upon Congress.

I come now, said Mr. POLK, briefly to consider the second resolution, submitted to the consideration of the committee by the honorable gentleman from South Carolina, (Mr. McDUFFIE,) which proposes that each State in the Union shall be divided into as many districts as there are Senators and Representatives in Congress from such State.

The object of this proposition is to give to the people of every section of the Union, as near as may be consistently with important rights reserved to the States, which are not proposed to be disturbed, their equal relative weight in the election. To do this, the public sentiment should be fairly ascertained—and in order to obtain a fair expression of the popular will, it is a self-evident proposition to my mind, that some uniform mode of collecting the public sentiment should be established throughout the Union. Under the present provisions of the constitution, and the practice under them, according to the various and diversified modes of election, prescribed by the respective State Legislatures, do the people in every section of the Union, in fact, possess and exercise their equal relative weight in the election? Is the public sentiment of the whole people of the Union correctly ascertained? No, sir! It is demonstrable, if an election be made at all by the Electoral Colleges without involving the national calamity (for such I view it) of a recurrence to the House of Representatives, a little more than a fourth of the people of the United States may choose the President. If I succeed in establishing this fact, the necessity for uniformity and amendment will, as I conceive, be apparent, if we hold to the principle that a majority should rule. What are the various modes of election at present established in the States? In some, the district system

prevails; in others, the Legislatures have assumed to themselves the power of appointing electors; and in one State of the Union (Kentucky) a compound of the district and general ticket system is the mode prescribed by the Legislature. The State being entitled to fourteen electors, is divided into three districts, in one of which four electors are chosen, and five in each of the other two districts. I shall not here stop to inquire why this artificial arrangement of districts in that State was made. Whether it was made upon an emergency, and designed to throw majorities in each district in favor of a particular party, or of particular men, is wholly immaterial to the present inquiry. In this state of things, a bare majority of the people of the six larger States in the Union may, by adopting the general ticket system, the Gerry-mandering system, or by assuming the election to the Legislatures, elect the President, though a respectable minority, and very nearly half of the people of those six States, and the whole of the people of the eighteen remaining States, may be in favor of some other candidate. For example:

	<i>Electors.</i>		<i>Electors.</i>
New York has	36,	a majority is	19
Pennsylvania,	28,	do.	15
Virginia,	24,	do.	13
Ohio,	16,	do.	9
Massachusetts,	15,	do.	8
Kentucky,	14,	do.	8
	<hr/> 183		<hr/> 73
	72		
	<hr/> 61		

Thus, sir, in these six States, there are 183 electoral votes, a majority of the whole number in the Union, and sufficient, if united, to elect the President in the primary colleges.

But the people in those six States are divided in opinion, and very nearly equipoised as to numbers, between two contending candidates, A and B, for the Presidency. But A has small majorities over B, in each of those States. If the district system were established, the friends of A could give him 72 electoral votes, and the friends of B could give him 61 electoral votes. B, too, in the case supposed, might be supported by the remaining eighteen States, or by such majorities of them as, when added to his 61 votes, would be sufficient to elect him. But by compressing the friends of B in those six States, into the support of A by the effect of the general ticket system, or by elections made by the Legislatures; by literally suppressing the voice of the minorities, in each of those six States favorable to the election of B; by denying to almost half the population of those States the right of suffrage, or of being heard in the election—you, in truth, enable a minority of the people of this Union, amounting to but little more than the fourth of the whole population, to elect the President against the will of all the rest of the people of the Union, amounting to

almost three-fourths of our whole population. But will it be said, that this likewise is an extreme case, and will probably never occur? I answer it is possible it may occur, and cases approximating to it, and the same in principle, if the election is kept from the House of Representatives, in all probability will occur.

This, then, is our dilemma. Under the present provisions of the constitution, either a minority of the whole people of the Union, by a combination of the large States, must elect the President, or we must submit to the national calamity of an election in the House of Representatives. Which shall we choose? Neither is compatible with the genius of our free institutions, or the sovereignty of the people. And here will the larger States object to the district system, and say, we cannot part with the advantage which we now have, of moving in a solid, unbroken phalanx, and giving to our favorite candidate an undivided electoral vote, by suppressing the voice of the minority in the State, by means of the general ticket system, or elections by the Legislatures? I answer that the larger States will receive an ample equivalent for this surrender, in the certainty that the election can never devolve upon the House of Representatives, where, voting by States, a minority, as I have attempted to show, and I hope successfully, may elect.

Will the smaller States object to that part of the resolutions now under consideration, which proposes so to amend the constitution as that the election shall in no event devolve upon Congress, and say, we cannot part with the advantage which we have of voting by States, when the election shall devolve upon the House of Representatives, and whereby we, though a minority, may have it in our power to elect a President? I answer, that the smaller States will receive an ample equivalent for this surrender, in the certainty that the larger States cannot combine and move in an unbroken body in the electoral colleges, and thereby enable a minority of the people of the Union, by suppressing the voice of their respective minorities in the large States, to elect the President, as I have attempted to show, and I hope successfully, they might do. The resolutions, then, viewed together, and not as substantive and distinct propositions, in relation to their effects and operations, propose a compromise to the larger and smaller States, that they should meet upon middle ground, and surrender the advantages which the one or the other might possess in certain contingencies, each receiving a mutual consideration from the other for the surrender thus made. It is a surrender of advantages, too, which neither should wish to retain; a surrender made not to each other, but to principle, upon the altar of their common country.

But, will the larger States object, and say, though uniformity in the mode of election be important and desirable, in order to obtain a fair expression of the public will, yet we cannot agree that that mode shall be the district system?

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We prefer that the general ticket system should be the mode established in all the States, or we prefer that the choice of electors should be made by the Legislatures in all the States, and that the one or the other of these modes should be uniform throughout the Union. I answer, by neither of these modes can the evil complained of be remedied. If the general ticket system be the uniform mode established, the larger States would still retain their present power. If the Legislatures in all the States choose the electors, the larger States would still retain their present power. And, by either of these modes, the predominant party or faction in power, in each State, by suppressing the voice of the minority, may move in a solid front, and elect the President. If it be contended that this is an advantage which all the States would equally possess, the idea is a mistaken one. Such is the difference in the size, and quantum of population, in the several States, that a majority, whose voice is totally suppressed in the election in one of the larger States, may be as great—nay, more than five times as great—as the whole population of one of the smaller States. To illustrate this, take, for example, the States of New York and Delaware, one of the largest and one of the smallest States in the Union. Suppose New York to be divided in opinion between two candidates, in an impending Presidential election, in the proportion of 19 to 17 of her 36 electors. If the district system prevailed, one of the candidates would receive 19 electoral votes, and the other the remaining 17 electoral votes. But, by establishing the general ticket system in New York, a large minority, and very nearly half of her citizens who would be entitled by the district system to give 17 electoral votes, are literally destroyed, and impressed into the service of the majority. In Delaware, the whole population can only give three electoral votes. Thus, the minority in New York, whose voice is totally suppressed in the election, would be more than five times as great as the whole population of Delaware. But suppose Delaware likewise to be divided in opinion in the proportion of one to two of her three electors. By the district system, Delaware would give two votes to one candidate for the Presidency, and one to the other. Establish the general ticket system in Delaware, and her three votes will be given to one candidate, thereby suppressing the voice of a minority of that State, who, by the district system, would be entitled to give one vote. One vote of the minority, then, by the general ticket system, is suppressed in Delaware. But in New York, by the same system, seventeen votes are suppressed. Thus the minority in New York, whose voice is suppressed by the general ticket system, is seventeen times as great as the minority in Delaware, whose voice is suppressed by the same system. Thus, sir, it is seen what great inequality would be produced in the election of a President by establishing the general ticket system as the

uniform mode in all the States. The same result would happen by establishing the mode of electing by the Legislatures as the uniform mode in all the States. The great excellence of the district system is, that each district throughout the Union would contain very nearly the same quantum of population, would be composed of contiguous territory, and would be very nearly of the same size; and each district would be entitled to give one vote. And if, sir, minorities should be found to exist, in a Presidential election, in each district, as they may, is it probable that there will be such a disparity, such a disproportion between the respective minorities of adjoining or different districts, where all are of the same size, as would exist between the minorities of different States, differing as they do in size, some containing more than thirty times as great a population as others; and, when, by the general system, each State would compose one district. I was amused, sir, but not convinced, by the argument of the gentleman from Virginia, (Mr. STEVENSON,) the object of which was to show the superiority of the general ticket system over all others, and that minorities in the district would prevail. That honorable gentleman adduced, as an apt example, in illustration of his argument, an occurrence, which he says took place in one of the districts of Maryland, in the late Presidential election. In one of the districts in that State, he says there were a majority of the people in favor of the election of Mr. Adams; that there were two candidates for elector favorable to that gentleman, and one in favor of General Jackson; that, in consequence of a division of the friends of the former, between the two candidates for elector, neither of whom would decline in favor of the other, the elector, friendly to the latter, received a plurality of votes of the district, and was elected. Now, sir, what the facts were, in relation to that particular district, adduced as an example, I am not particularly informed; but, I understand it became more a contest between distinguished individuals, who were opposing candidates for elector, and who had, respectively, many personal friends, than a contest between the candidates for the Presidency themselves; and is, therefore, no test of the real sentiments of the people of that district, and no conclusive illustration of the gentleman's argument. But, sir, if it were, I have it in my power to furnish that honorable gentleman with a fair rebutter, which occurred in that election, by the operations of his favorite—the general ticket system. The State of Ohio voted by general ticket. Did the gentleman who received the undivided electoral vote of that State, in fact receive the support, even of the majority of the people of Ohio? No, sir; supported as he was, by a very small number of votes over one of his competitors, and if all the returns had been correctly received, it is very doubtful whether he obtained even a plurality over him. Yet, sir, he received, in the electoral



colleges, the whole vote of the State of Ohio, against the sentiments of a considerable majority of the people of that State; and yet, sir, this, I suppose, constitutes the excellence of the general ticket system, in the estimation of the gentleman from Virginia. The individual, too, whom the gentleman conceives was, by the operation of the district system, deprived of an electoral vote in one of the districts of Maryland—yes, sir, the same individual who had received the smallest number of the votes of the people of Ohio, when the election ultimately devolved upon this House, received the vote of that State.

But, sir, I concur in opinion with the gentleman from Louisiana, (Mr. LIVINGSTON,) who, a few days ago, submitted a resolution, proposing to dispense with the electors altogether. The people require no such agency. I believe them to be wholly unnecessary. Dispense with them altogether: let the people vote directly for the President, without their intervention, and the objection to the district system, as in the case in Maryland, which has presented itself so forcibly to the mind of the gentleman from Virginia, will be removed. When the people vote directly for the President, there can be no division between contending candidates for elector, in favor of the same candidate, and the majority of the people of each district can control and give the vote of that district. Another advantage of the district system is, that the sentiment of each mass of the community throughout the Union, composing a district, is fairly elicited, and made to have its due and proportional weight in the general collected sentiment of all the districts in the Union. The sentiment of no portion of the Union is suppressed. All are heard, and have their proper weight in determining the election. I do not design, Mr. Chairman, (said Mr. P.,) to embarrass this discussion, by entering into details. If the great principles contemplated by the resolutions on the table, are retained, details are comparatively unimportant, and a spirit of compromise and accommodation of opinion should prevail, in relation to them. I shall, therefore, merely suggest to the consideration of the committee, the plan which has presented itself to my mind, as preferable to any other, and leave it to them to determine how far it will afford a remedy for existing evils. It is in substance this: Each State shall be divided, by the Legislature thereof, into as many districts, composed of contiguous territory, and containing, as near as may be, an equal quantum of population, as shall be equal to the whole number of Senators and Representatives in Congress from that State. The people of each district shall vote directly for the President and Vice President, without the intervention of electors. The person, in each district, who may have received the highest number of votes for President, shall be holden to have received one vote; and the person who may have received the highest number of votes for Vice President, shall be holden to have received one

vote. And if it shall be ascertained that no person has received a majority of the whole number of districts in the Union, let the election be referred back to the people, who, upon the second balloting, shall, in like manner, vote for one of the two highest upon the list of the former balloting for President, and so of the Vice President. The details of this general outline of a system, to embrace the objects contemplated by the resolutions, can be easily drawn, so as to render it practicable, and easy to effect the choice in this way. But, if other gentlemen can suggest a more acceptable plan, in its details, not varying the general principles, I am not wedded to this, and have merely suggested it, lest it might be said, by some, that, however great the objections may be, to the present provision of the constitution, it would be impracticable to adopt any mode by which the evil could be remedied. Neither shall I, Mr. Chairman, detain the committee by enumerating, in addition to those I have mentioned, many other objections to the general ticket system, or to the appointment of electors by the Legislatures. It would be unnecessary for me to do so, after the able exposition of the honorable mover of these resolutions, (Mr. McDUFFIE,) in the opening of this debate, upon this part of the subject. Some other objections, however, have been made to the plan of amendment proposed, in the course of the discussion, which demand to be noticed.

The honorable gentleman from New York (Mr. STORRS) has been more abundant in objections to the proposed plan of amendment than any other gentleman who has addressed the committee; and though I am aware, sir, when I approach an argument of that gentleman, I encounter an old and experienced politician, hackneyed in debate, yet differing with him in opinion, as it is my misfortune to do, in almost every view he has taken of this subject, I will boldly meet him, and avow the reasons of that difference. That gentleman tells us, with a warning voice, that when we approach this constitution, we stand upon holy ground; that when we attempt to amend it, we lay violent hands upon this mortal work of our ancestors. He tells us he entertains great reverence for that instrument; that he would not disturb one principle which it contains: and, in the same strain in which he thus addresses us, he informs us that there is an insuperable objection to the plan of amendment proposed, because a portion of a certain description of population, negro slaves, in the Southern and Western States, will be represented in this election. Now, sir, by the present constitution, for which the gentleman professes such great reverence, and would not alter or amend it in any particular, three-fifths of this population are represented in the election. By the proposed amendment, they are only represented. The amendment does not propose to disturb this principle, but leaves it precisely upon the ground where it is placed by the present constitution. So

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that it was wholly unavailable, and I must say, unnecessary, to bring up this question in order to ascertain the comparative merits of the present constitution, and the proposed amendment. I have regretted exceedingly, sir, that scarcely any subject of general concern can be agitated here, without having this unfortunate subject of slavery, either collaterally, or incidentally, brought into view, and made to mingle in our deliberations. It is a subject of peculiar delicacy; but, as it has been noticed upon this occasion, not only by the gentleman from New York, but likewise by the gentleman from Massachusetts, (Mr. EVERETT,) and the gentleman from Connecticut, (Mr. INGERSOLL,) suffer me to say a word or two in reply. When this country became free and independent, this species of population was found amongst us. It had been entailed upon us by our ancestors, and was viewed as a common evil; not confined to the locality where it was, but affecting the whole nation. Some of the States which then possessed it have since gotten clear of it: they were a species of property that differed from all other: they were rational; they were human beings. In fixing the principle of representation, it was thought right, by the framers of the constitution, that they should at least be in part represented. And, accordingly, three-fifths of them are to be represented; but, at the same time that they are to be represented, this provision is incorporated into the constitution: "Representatives and direct taxes shall be apportioned amongst the several States which may be included within this Union, according to their respective numbers." If they are to be represented then, direct taxes are to be paid according to that representation, whenever the emergencies of the Government require it. And when the dark cloud of war hovers in your horizon; when a foreign foe invades your country; when your finances are deranged; when money, in the estimation of some the sinews of war, must be raised; when, in order to raise it, direct taxation must be resorted to; and when, sir, conventions are held, in some sections of the Union, to thwart the operations of the Government, and for purposes best known to their members; when the militia, in other sections of the Union, are withheld from the public service—do our neighbors commiserate our condition; do they sympathize with us, and say, we are oppressed with unnecessary burdens because we are required to pay taxes for this species of population? No, sir, it is all right then. Do we complain, sir, that we are thus required to pay taxes for them? No, sir, we do it cheerfully, and without a murmur. I hope, therefore, that this unpleasant subject, not involved in the remotest degree, in the great questions under consideration, may be suffered to rest. I should not have noticed it, if it had not been frequently adverted to by gentlemen who have preceded me. I hope, sir, I shall be pardoned for the digression.

Another argument of the gentleman from

New York is, that, in all elections, the minority have no rights, and must submit; that in an election by his favorite system—the general ticket—the minority of a State have no rights, and must submit; and he instances the election of a Governor of a State by the people of the State, in which case, he says, the minority have no rights and must submit. Sir, the abstract proposition that a majority shall prevail, and a minority submit, is not controverted; but the analogy of the gentleman is an unfortunate one; all reasoning from analogy is dangerous, and apt to lead into error. A case more analogous to the question we are now considering, would have been, that the Governor of a State, elected by the people, does not receive the unanimous and undivided vote of every county in which he happens to receive a majority.

Another argument I shall briefly notice. The gentleman thinks that, by the general ticket system, his old friend in former days, the *Caucus*, would be much easier crushed and put down, at the centre of the State, than thirty-six caucuses scattered over thirty-six districts, in the State. Sir, upon the subject of caucuses, I know, an honest difference of opinion exists. For myself, I have never entertained but one opinion upon this subject. I had the honor, in the Legislature of my own State, to record my vote in support of those resolutions against a caucus, which produced so much excitement, and led to so much discussion, in the public journals of the country, some two or three years ago. I have seen no reason to change that opinion. I cannot subscribe to the doctrine of the gentleman from Virginia, (Mr. AROBER,) that there must be, in every State, some leading politicians, who control and dictate, and give tone to public sentiment. I believe that the people, if left untrammelled by this complicated machinery of a caucus, are competent to act for themselves; but, at the same time that I entertain these opinions, I do not proscribe others who entertain different ones.

But, sir, another objection, made not only by the gentleman from New York, but by others who have engaged in this discussion, is one very important in its character, and should be maturely considered. It is, that the plan of amendment proposed, interferes with State rights, and tends to consolidation of the people of the Union. Sir, no man deprecates more than I do, any violation of rights secured to the States by the Federal Constitution: no gentleman upon this floor will, upon all occasions, more pertinaciously guard against the yawning gulf of consolidation: and, if I should foresee or apprehend that the plan of amendment proposed, would have any such tendency, with all my convictions of its importance, I should pause and hesitate before I acted. I would in no instance, knowingly, have an agency in producing such effects. But, sir, I can see no such danger; the district system has, to my mind, a directly contrary, a diffusing tendency. The argument of the

honorable gentleman from South Carolina (Mr. McDUFFIE) upon this part of the subject, has not been met in debate; it has not been approached in a fair, open, and statesmanlike manner; it has been evaded: and I am free to say that, to my mind, it is unanswerable. By this plan you propose not to take the power of electing the President from the States, and to vest it in the General Government; but, on the contrary, you propose to take the contingent power of electing the President and Vice President from Congress, and to give it to the people of the States. Are you producing consolidation, or interfering with State rights, when you do not propose to accumulate more power to yourselves, but to divest yourselves of a part of the power which you possess, and to vest it in the people of the States? Sir, when I speak of State rights, I mean, as I understand the constitution to mean, not the rights of the Executives of the States, not the rights of the Representatives in Congress from the States, not the rights of the Legislatures of the States, but I mean the rights of the people of the States. The Executives, and Legislatures, and Representatives in Congress, of the States, are the public servants and functionaries of the people of the States, and can have no rights contradistinguished from the rights of the people of the States.

Does the plan of amendment proposed, take from the large States any of their rights? No; on the contrary, it gives to the people of every portion of such States, the power of being heard and felt in the election. It takes from their servants in the Legislature, it is true, the power of suppressing the voice of the minority in the State, by the operations of the general ticket system, or by the election of electors by the Legislature; but it gives the power which it thus takes from their servants, which may be, and is often abused, not to the Federal Government, but to the people of those States themselves. Does the plan of amendment take from the small States any of their rights? No; it is not conceived that the capricious, interested, or arbitrary opinion of a single member of Congress on this floor, when the election devolves upon the House, constitutes a *State right*, by which I mean the right of the *people of the State*. The vote of the State may be given by the Representative in direct opposition to the *will* of the people of the State; and entertaining the opinion, as some profess to do, that the Representative, when the election comes here, is constituted an elector, and an umpire by the constitution, to act according to his own will, regardless of the wishes of his constituents; and, judging from past events, is it not most likely that the votes of the small States will generally depend upon the accidental opinion of the Representative? That opinion may, and often will, misrepresent the wishes of the people of the State, by giving the votes of the State against their will. This ideal, and contingent right, then, supposed to be vested in

the small States, is more in the name than in the substance. Does the proposed plan of amendment interfere with the two electoral votes in each State, predicated upon the federative character of the Senate, and the sovereignty of the State? Does it take from the States the power of prescribing the qualifications of voters in each State? No; nor does it disturb or interfere with any other of the rights reserved to the States. Another argument was used, sir, if argument it may be called, by the honorable member from Massachusetts, (Mr. EVERETT,) which struck my mind, on account of its novelty, with peculiar surprise. That honorable gentleman, with all his classical and political learning, in his zeal to oppose all amendment to the constitution *at this time*, and search out all the possible reasons that could exist against it, insisted, before the committee, that any attempt to propose amendments to the constitution was unconstitutional. Was the gentleman serious in this puerile conception? He told us we had taken an oath to support the constitution, and can we, said he, propose to amend or alter it without violating that oath? And he amused us, too, sir, in illustration of his views upon this part of the subject, with a hypothetical case, in which he figured to us, that if he should meet my honorable friend from South Carolina (Mr. McDUFFIE) in the gallery of the House, and obtain his pledge to support, upon the floor, a favorite measure of his which is unconstitutional, would he, (Mr. McDUFFIE,) said the honorable gentleman, do so, if, on reflection, he found it to be unconstitutional?

But we are admonished by those who are opposed to amendment, that we should be cautious in touching this charter of our liberties—the constitution—lest, in attempting to amend it we should make it worse. Sir, in the main, that valued instrument is without a parallel in the history of the world, and speaks its own eulogy; but it was made by men, and man and all his works are imperfect. The wise framers of that instrument well knew, that, in forming a system of government under a written constitution, in many of its features unlike any that had preceded it, in any age, or in any country, that difficulties, then unforeseen by them might occur, in the future operations of the system. So sensible were they that it was not the work of inspiration, but of men, that it might be imperfect, and fail in some of its important operations, that they wisely incorporated into it the method of its own amendment. And I appeal to the history of those times, to know whether the constitution would ever have been ratified by the States, if it had not been for this very article that made provision for its own amendments; if it had not been for the hope and confident expectation that future amendments would be made? In many of the States that did ratify it, declaratory amendments were recommended to be made a part of the constitution. Virginia, Massachusetts, New York, South Carolina, and some others that did ratify

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it, at the time of ratification, proposed that amendments should be made. North Carolina, the State from which my honorable friend before me (Mr. SAUNDERS) comes, who has ably addressed the committee upon this subject, and the State of my nativity, was among the last to come into the Union. She, too, paused, and hesitated, and doubted, but was ultimately induced, by this very clause, to ratify it; and she, too, proposed amendments. And have not salutary amendments been made to the original constitution, as reported by the convention, and ratified by the States? At the first Congress held under the constitution, twelve additional articles were proposed to the States for ratification, in the manner prescribed by the constitution. Ten of them were ratified by three-fourths of the States, and became a part of the constitution, and now constitute your bill of rights, and secure to the citizen some of his most important privileges and rights. At the third Congress held under the constitution, an additional article, in relation to the suability of States by the citizens of another State, or the subjects of a foreign State or power, was submitted by the States for ratification, in the manner prescribed by the constitution; it was subsequently ratified by three-fourths of the States, and became a part of the constitution.

After the celebrated contest of 1801, between Mr Jefferson and Aaron Burr, to which I have alluded, had demonstrated the defective provisions of the then constitution, in relation to the election of President and Vice President, another amendment was proposed by Congress to the States for ratification, to avoid the recurrence of a similar difficulty. The amendment thus proposed was promptly ratified, and became a part of the constitution. All these amendments have been made to the original constitution, as framed by the convention. From that period to the present, no other amendment has been made; but as we have grown older in the knowledge of our Government; as we have witnessed its practical operations, we have learned from experience its defects. And, sir, though I reverence its framers, and thank my God that my destiny has been cast in a country governed under the mild, free, and happy auspices of this constitution; though I rejoice that I live in a country where the trembling subject does not bow submissively at the throne of power, but in a country where all are equal; yet I cannot be blind to its defects; I cannot idolize it. I believe that it has wholly failed in this important particular—the election of a President; that an evil exists in this part of the system; and I believe that the plan of amendment proposed, affords the remedy, and, therefore, I have given it my feeble support.

On motion of Mr. PEARCE, the committee then rose.

#### *Dismal Swamp Canal.*

An engrossed bill "to authorize the sub-

scription of stock in the Dismal Swamp Canal Company" was read a third time.

Mr. HAYDEN called for the yeas and nays on the question of the passage of the bill, and the call was sustained by the House.

Mr. POWELL said that the yeas and nays had been ordered upon the engrossment of the bill; and that consequently it was not expected they would be again required at this time. For the purpose of giving every gentleman an opportunity of voting upon the bill, he moved for a call of the House. This motion was not agreed to.

Mr. MAXEUM said, this bill involved a subject of great importance, and as the yeas and nays had been ordered, he wished every member to have an opportunity of voting on it; and with that view, wished that the bill might be permitted to lie on the table until to-morrow, as the House was now not full. The vote on the bill, on Saturday, was looked upon as the triumph of certain principles, and was exultingly held up as such by certain prints in this city. Mr. M. therefore wished the sense of the House to be fully expressed on the question, that every member might toe the mark; and to afford all of them this opportunity, he moved that the bill be laid on the table.

This motion was also negatived—ayes 69, noes 94.

The question was then taken on the passage of the bill by yeas and nays, and decided in the affirmative—yeas 102, nays 72.

So the bill was passed and sent to the Senate for concurrence.

And the House adjourned.

TUESDAY, March 14.

#### *Amendment of the Constitution.*

The House then again resolved itself into a Committee of the Whole, Mr. MCLANE, of Del., in the chair, on the motion of Mr. McDUFFIE to amend the constitution, in relation to the election of President and Vice President of the United States.

Mr. PEARCE rose, and addressed the committee: The question now under discussion I consider of great importance to the small States, and to none more than the small State which I have the honor to represent; and if, consequently, I should ask for all the indulgence that has been given to others, would my request be an unreasonable one? Pardon me, then, for the little time I shall consume in contending, *pro aris et focis*, for the rights and interests, political force and power, of the small States—for those rights, without the exercise and enjoyment of which, they would become political ciphers, without weight, and without influence.

I will, in the first place, call the attention of the committee to the propositions that have been submitted, twenty-one in number, all differing in some respects, to show that, if amendments are called for, there are but few

in this House who can tell what they are, or how they should be made. If, under any circumstances, Mr. Chairman, amendments were, or would be necessary, (and I do not think they would be under any,) I should contend, that existing circumstances and the present time, would not justify any amendment whatever. It appears to me that many of the propositions have grown out of the late Presidential election, and they are made in reference to another election, and, perhaps, to the election of a particular candidate; they are predicated upon the supposed existence of an evil, as to which there are, in the minds of many, very serious doubts, and, taking it for granted that the evil has existed, nothing will satisfy gentlemen but an amendment to the constitution. Propositions of this kind, created or produced by these imaginary evils, are not new in the history of our Government; they were anticipated by the framers of the constitution, and were guarded against, as far as those venerable sages found it expedient to guard against them.

Hence, that wise and salutary feature in the constitution, requiring two-thirds of both Houses of Congress to propose amendments to the constitution, and requiring all amendments, thus proposed, to be ratified by the Legislatures of three-fourths of the several States, before such amendments would become a part of the constitution. Sir, it was never intended that the constitution should be affected by every wind; that it should become the sport of the whim, or caprice, or passion, of every discontented individual, or every man who fancied himself aggrieved or injured. There will be found men enough in every country, who will fancy themselves injured, and, to gratify them, the constitution must be altered. At a critical period in the history of our country, when the late war bore hard upon the people in that section of country from which I come, the Legislatures of several States appointed delegates to meet at a place in Connecticut, rendered memorable by their meeting. Those delegates recommended to the several States the propriety of proposing such amendments to the constitution, as would prohibit Congress from passing any law laying an embargo for any period longer than sixty days. Near this time, the people of Kentucky, dissatisfied with the conduct of one of their senators, who voted against the late war, the Legislature of that State proposed such alterations in the constitution of the United States, as would reduce the term of a Senator in Congress to four years; and the people of Tennessee, who act with unusual despatch, in peace and war, actuated, perhaps, by similar motives, the Legislature of that State proposed amendments to the constitution, which passed both branches, with only six dissenting voices, fixing the senatorial term at three years. Suppose these various propositions had been attended to; suppose all the propositions to amend the constitution that have been made, since its

adoption, had been followed up with actual amendments, what would our constitution now have been? Cherish this spirit of innovation, this disposition to make the constitution bend to all the grievances that some men suppose exist, and what will our constitution be in a few years to come? A *Mosaic* pavement, in truth; here a piece of white stone, and there a piece of black.

So far as relates to the propositions now under discussion, I have not heard any call from the people, that ought to be heeded or regarded. The resolutions adopted by the Legislature of Tennessee, have not yet been concurred in by a single State. The New York Legislature, as well as that of Massachusetts, have reported against them. Neither South Carolina nor Georgia has taken any order upon them; and if any State has, it is unknown to me. Yet, from the tenor of the remarks of some gentlemen, who have addressed the committee, one would be led to believe that the people were ripe for revolt, or, to use the quoted language of the gentleman from Tennessee, (Mr. POLK,) were ready "to cry aloud, and spare not." Yet the people, who are able, through the Legislatures of the several States, to do, in effect, what we are called upon to do for them, are peaceable, quiet, contented, and satisfied. When they are dissatisfied, I have no doubt we shall hear from them, and they will be listened to. I have heard of three physicians, who, by concert, met the same man at different places, within a given time, each telling him that he was unwell, that he was dangerously ill, and who succeeded in persuading him, though in perfect health, that he was, in fact, dangerously ill. Do gentlemen look for like success in their attempts to satisfy the people their rights are sacrificed, and their liberties in danger? If they do, they will, as I apprehend, be disappointed. There is yet left too much virtue, there is yet remaining too much intelligence. I am, Mr. Chairman, almost prepared to say, that all the amendments to the constitution, which have hitherto been made, were unnecessary. Perhaps the 11th article, relating to the suability of States, was necessary; but the ten preceding ones are, as so many declaratory acts, a bill of rights, an enumeration of rights reserved, but the reservation of which did not depend upon the enumeration of them. They are, in fact, like the propositions of my honorable friend from Massachusetts, (Mr. BAILEY,) giving to Congress the power to make roads, to cut and construct canals, when a large majority of this House have no doubt Congress has now this power, and when a large majority of the nation is as well satisfied as to the power of Congress, as this House is.

I come, now, sir, to the amendment of the constitution, which was made in 1804, relative to the election of President and Vice President. This was the result of a supposed evil manifested in the election of Mr. Jefferson, in 1801.

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If numerous ballotings were evils, they were indeed manifested; but those kind of evils exist in all our State Legislatures, in the election of Senators to Congress, as well as in the election of other officers. Similar evils exist in all the Eastern States, where, in questions submitted to the people, majorities are necessary to a choice; but, with a full knowledge of them, and the consequent inconvenience and delay growing out of them, the people of the New England States have always submitted to them. In the Presidential election referred to, no one will contend that the people's choice was not elected by the House of Representatives, and that, if a minority President was subsequently elected, a majority President was at that period chosen. But, sir, in regarding too much the inconvenience of that election, and applying a remedy to it—an alteration of the Constitution of the United States—I am apprehensive the rights of the small States were invaded, the effects of which were not foreseen, but will hereafter be seriously felt; and that all the small States which voted for that amendment were guilty of a suicidal act; an act which divested them of one-half of their force and political power; and, adopt the proposed amendments, they will have but a very little, if any, left. It will be conceded, that the small States have a contingent power, and political force, valuable to them as members of the Confederacy, whenever the election of President devolves upon the House of Representatives; and any amendment of the constitution which takes away this contingent power, or renders the exercise of it less frequent, affects the rights of those States which are benefited by the exercise of it. Then the question recurs, was the election more liable to come to the House, previous to the amendment of 1804, than it now is? If it was, then the alteration or amendment was one detrimental to the interests of the small States. But this is not all: that amendment took from the small States an influence in the primary election, which they might have exercised, and which they cannot now exercise. Prior to that amendment, the State of Rhode Island, by her vote alone in the primary election, might have elected the President, or might have determined which of the two candidates voted for, for the Presidency and Vice Presidency, should be the President; and in the election of 1800, if the eight votes of South Carolina had been given to the federal candidates, Adams and Pinckney, (and it was supposed they would have been,) Rhode Island would have elected the President, inasmuch as Mr. Adams received one more of the electoral votes of that State, than General Pinckney. The committee will indulge me while I read one or two extracts from the speech of the late Governor Griswold, of Connecticut, on the amendment of 1804:

"The Constitution of the United States is a compact formed by the several States, to and for

the general good. It is well known to have been produced by a spirit of compromise among the several States; that much difficulty arose in its formation; and perhaps in no one article of the constitution could have arisen greater jealousies between the larger and smaller States, than that pointing out the mode of electing the Chief Magistrate. The larger States, as is natural to suppose, would contend for an election according to the number of inhabitants in each State, as they thereby would secure more votes; the smaller States, on the principle that it was a confederation of States, would contend for an equal vote; that is, to vote by States, and not by population or numbers. To settle the difficulty, the present article was agreed to, and thereby both of the above principles, as contended for by the larger and smaller States, adopted to a certain extent; the mode being a mixture of both principles. First, it permits the election of President to be by numbers; that is, giving each State votes in proportion to its population; whereby the larger States, considered in their corporate capacity as States, have the advantage of the smaller States, in their corporate capacity as States. But, in case of a failure of choice in the first mode, then the second, of choosing by States, is to be pursued, whereby the smaller States have an equal vote with the larger States.

"In no other place than on this floor, are the smaller States on an equal footing with the larger States, in the choice of the President of the United States.

"It follows, then, of course, that the greater the chance of bringing the States to a vote on this floor, the more advantageous it is to the smaller States; as, here, the smaller States are as powerful as the larger States. By the constitution, as it now stands, there are two chances for a choice of President on this floor: 1st, when there are more persons than one who have a constitutional majority of votes, and are equal in number; 2d, when there is no person who has a constitutional majority. Only one of the above cases can happen at a time; but there is always a chance for one of the two to happen. But, by the proposed amendment, the first beforementioned chance can never happen; it is wholly taken away, and only one possible chance of voting on this floor by States is left; for, when your ballots designate who is voted for as President, it can never happen that more persons than one can have a constitutional majority of votes. One chance, then, of voting on this floor by States being taken away, by the proposed amendment, it follows, irresistibly, that the smaller States will be injured, and the larger States benefited.

"The present mode for bringing forward candidates for the office of President and Vice President is the least liable to call forth art, intrigue, and corruption; the uncertainty of the event, and the difficulty of making arrangements, are strong checks to the artful and designing. But, the moment the mode pointed out by this resolution is adopted, the door for intrigue and corruption is open; the candidates and their friends can calculate with certainty, and apply the means direct; the power of party, influence of office, art, cunning, intrigue, and corruption, will all be used, and used to effect, because the object is certain."

And now, Mr. Chairman, permit me, in this stage of my argument, to notice one remark of

the honorable gentleman from Virginia, who first addressed the committee, (Mr. ABERNETHY,) that the election of President by the House of Representatives was considered, by the framers of the constitution, as a mere dernier resort, and one which it was calculated would seldom occur. As the constitution stood before 1804, this House was the most probable resort of election, and the framers of the constitution intended it should be: for more than three months and a half, out of the four, the convention were in session, they steadily and uniformly adhered to an election by Congress, and voted down every form of proposition which served to take it from Congress and give it to the people. I will not read the whole of the proceedings of the Convention of 1787, inasmuch as they have been repeatedly referred to; one or two of these extracts will suffice:

"JUNE 2.—In Committee of the Whole, Mr. WILSON, of Pennsylvania, moved to postpone Mr. RANDOLPH's motion, in relation to the Executive, in order to take up his motion, to divide the States into districts, for the choice of electors; this motion was negatived; Yeas, Pennsylvania and Maryland, New York divided. Nays, Massachusetts, Connecticut, Delaware, Virginia, North Carolina, South Carolina, and Georgia.

"It was then voted, that the President should be chosen by Congress for seven years; Yeas, Massachusetts, Connecticut, New York, Delaware, Virginia, North Carolina, South Carolina, Georgia. Nays, Pennsylvania, Maryland.

"JUNE 19.—The Committee of the Whole reported to the House the resolutions as agreed to—that the President should be appointed by Congress, for seven years, and be ineligible a second time.

"JULY 17.—The ninth resolution from the Committee of the Whole being under consideration, it was moved that the President should be appointed by the people, and not by Congress; Yea, Pennsylvania. Nays, 9. It was then moved that he be chosen by electors appointed by the State Legislatures; Yeas, Delaware and Maryland. Nays, 8. It was then voted, *unanimously*, that the President should be chosen by Congress."

I will not, Mr. Chairman, detain the committee by further reading of the proceedings of the Convention. I have gone far enough to show, that an election by the House was not to the framers of the constitution, by any means, an unexpected event. And I think I have now shown, that the amendment of 1804 was an invasion of the rights of the small States: and, if they are stripped of one right, and divested of one power after another, the time will soon arrive, when they will have nothing remaining, nothing that is worth possessing. If the fundamental principles of Government are to be changed for "light and transient causes," what guarantee have the small States, that will secure to them their equal representation in the other branch of the Legislature? Already we are threatened with a convention of the people, in which every part of the constitution can be altered!

I will now, Mr. Chairman, examine the different modes of appointing electors. "Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress." This is evidently, to my mind, a State right, and cannot be altered without impairing the rights of the State. Many have contended that the State Legislatures have no right whatever to appoint the electors, and that the framers of the constitution never intended, never contemplated, such an appointment, when, at the first election of President, the electors were appointed in every State in the Union, with the exception of three, by the State Legislatures. These appointments were made when the people could, and no doubt did, avail themselves of the aid, counsel, and services, of the framers of the constitution themselves. The Federalist has been frequently resorted to, as a contemporaneous exposition of the constitution. It has been read to warrant, to illustrate, and to enforce, every argument that has been made. To show that the State Legislatures could appoint the electors, in the opinion of Mr. Madison, although this mode is not with me a favorite one, I hope to be indulged with one extract from No. 45, page 355:

"The State governments may be regarded as constituent and essential parts of the Federal Government, whilst the latter is in nowise essential to the operation or organization of the former. Without the intervention of the State Legislatures, the President of the United States cannot be elected at all; they must, in *all* cases, have a *great share* in his appointment, and will, perhaps, in *most* cases, of themselves, determine it."

In many cases, the State Legislatures may appoint the electors with the fullest approbation on the part of the people: in some, they would be warranted in making the appointments from expediency, policy, and from necessity. Let us advert to the election of Washington to the Presidency, when there was scarcely a dissenting voice, or one raised in opposition to him. In his election, was the appointment of the electors by the State Legislatures an encroachment upon the rights of the people? When Mr. Jefferson was, for the second time, a candidate for the Presidency, there was hardly an organized opposition to him, and in many States in the Union, there was no opposition. Under such circumstances, was the exercise of this appointing power by those State Legislatures who thought proper to exercise it, an invasion of the people's rights? There are cases, I repeat, in which the exercise of this power by the State Legislatures may be justified from necessity, and policy also. Take, for illustration, the case of a State, one-half of which, in time of war, is in the possession of the enemy—this may be considered an extreme case, but it was the situation of Maine during the late war—an election by districts would be impracticable.

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ble; and, although the territory, in the possession of the enemy is, for some purposes, considered in the light of a foreign territory, I ask gentlemen, if the electoral votes of a State are to be curtailed by this temporary possession? If not, then, *ex necessitate*, the Legislature must appoint. We learn from the gentleman from North Carolina, who first addressed the committee, (Mr. SAUNDERS,) that the Legislature of that State once exercised this appointing power, and, in doing so, nobly sustained Mr. Madison. Sir, the case referred to by that honorable gentleman, is a case in point, to show that it is sometimes expedient, and may be good policy, for State Legislatures to exercise this power. The case referred to, was one during the late war; and combinations were then the order of the day; the avowed objects of which were, a speedy peace, and a glorious termination of the war. There was too much reason for believing that these were not the real objects. The votes of Pennsylvania and North Carolina were necessary to secure the re-election of Mr. Madison, and, "to make assurance doubly sure," the Legislature of North Carolina interposed. They were, in my opinion, justified in exercising a right, which, by the constitution, it was lawful for them to exercise, and, under similar circumstances, would be again justified. If the choice of electors had been submitted to the people, the result might have been different, and still that result would not have been a fair expression of the voice of the people of the State, but an expression of the opinions of those who were at home, when ten thousand of the independent freemen of that State might have been abroad, fighting the battles of their country.

In further illustration of this policy and expediency, suffer me to advert to another case, of which I am reminded by seeing near me my worthy friend from Massachusetts, (Mr. EVERETT.) In reference to the political or party distinctions, as they have existed, the town of Marblehead, distinguished as the birthplace of one Vice President, and other illustrious men, and more distinguished for the enterprise, laudable zeal, and uniform patriotism of its citizens, stood, at the commencement of the late war, in the proportion of six hundred and fifty voters on one side, to about sixty or seventy on the other. During the war, the citizens of that place were fighting the battles of their country, in the army, in the navy, on board of private armed vessels—on the land, on the lakes, and on the ocean. The town was literally drained of its population; and, during the war, at one period, the minor party succeeded in electing their candidate to the Legislature of the State. Sir, the political sentiments of a State may be changed in the same way as were changed the political sentiments of the town referred to. I ask, then, sir, if it would be a stretch of power, on the part of any State Legislature, whose members are chosen by a full expression of the opinions of all the people of a

State, when at home, and quietly pursuing their wonted occupation, which should exercise this appointing power, although the majority of the people at home, and the majority brought about in the way referred to, entertain opinions different from those of the members of the State Legislature?

These are my reasons, Mr. Chairman, against taking from the State Legislatures the right to exercise this power. I do not presume it will be often exercised: seldom when it is known that the people are averse to the exercise of it; and there may be cases in which it ought to be exercised. I will claim the indulgence of the committee, whilst I examine the proposed mode of choice by districts. It has been already shown that, by this mode, a minority may elect: and the late vote in Maryland has been referred to, where a minority of those who voted, elected seven of the eleven electors. In a late congressional election of Representatives to Congress, by districts, in the State of New York, of the members elected there were chosen, to use terms introduced in the course of this debate, fourteen Clintonians to twenty Bucktail members, when the aggregate votes given to the Clintonians far outnumbered those given to the other party.

The election by districts might, in many cases, restrain the power of large States, and lessen their force and influence, more especially those large States that had not a candidate of their own; and if, coming as I do, from one of the smallest States in the Union, I could be actuated by motives which, I hope, have not influenced others, I should not object to this; but I am not influenced by such considerations; willing to retain all the powers the constitution conferred upon the smaller States; and willing, at the same time, the large States should derive from the constitution all the advantages their numbers can give them. In districts, there is a better field presented for intrigue and corruption; as you lessen the sphere of operation of some men, you enable them to concentrate their forces, and to act with more success and efficiency. There is one view which I shall take of the election by districts, which is different from the views of any of those who have preceded me. It is contended that the district system is necessary to preserve the rights, the power, and influence of the small States. I hold directly the reverse to be the case: district the small States, and, in the primary elections, they will lose what little political force and influence they now have. And why? Because the large States, hereafter, will have the President and Vice President; they will be men who reside in those States, are born there, or are a favorite of those States. From State pride, and the esprit-du-corps, which will always have an influence, they will hereafter present an undivided vote, let the mode of election be what it may, by general ticket, by Legislature, or by districts. The small States, and the States of secondary grade, having no candidates, faction



may tear them, and division destroy their force. New York and Pennsylvania have nearly as many of the votes as five of the Eastern States, six of the States lying in the valley of the Mississippi, and New Jersey, and Delaware; the proportion is as sixty-four to seventy-one. Select from New York the candidate for the Presidency, and from Pennsylvania the candidate for the Vice Presidency, and those States will hereafter give an undivided vote, whether the choice be by districts, legislature, or general ticket; but divide the thirteen States to which I have referred, into districts, perhaps the time will never arrive, when one-half of their votes will be given to any one candidate. We cannot judge of the future by the past; the local, the political distinctions, which have existed, will not last forever; and we ought to recollect that, in making this amendment, or the other amendment to the constitution, if we now have in view one political interest, or another interest, the course that will best promote the interest of this or that man, the constitution, with the amendments that may be made, may outlive all those interests and all the individuals, that can be affected by the immediate operation of the amendments that may be agreed to. Leave it optional with the States to elect by district, or otherwise, as may best subserve their own purposes, and as the people of the several States may think best—for they will govern, they will be heard, and will have that mode which they prefer—gentlemen need not give themselves any apprehensions on this subject.

As to the mode of electing members of Congress, in all but the Eastern States, a plurality alone is all that is required to make a choice; in the New England States, the candidate that is elected, must have a majority of all the votes polled. Here, then, is an essential difference as to the mode of choice—a difference I have been made sensibly to feel. Much has been said about a minority President; *non constat* one-half of the representatives on this floor are minority representatives. The honorable mover of these resolutions may come here as a representative, when a large majority of his constituents may be opposed to his election. I do not think that will soon take place: for I learn that gentleman is deservedly popular in his district; and if zeal, fidelity, and a display of shining talents in advocating their interests, and guarding their rights, can secure popularity, he will with them long continue to be popular. Yet, in that gentleman's district, if A has two thousand and fifty votes, B two thousand and forty-nine, and C two thousand and forty-nine, A is elected, although there is almost a majority of two to one against him; and A, elected under such circumstances, is, undoubtedly, the people's candidate, and is elected by the people. There is, at present, among the States, no uniformity as to the time of electing members, although Congress under the Constitution of the United States, have the power of fixing the time; yet, they never have interfered, and a

committee raised upon that subject, at this session, have reported almost unanimously against any interference on the part of Congress. If there be evils growing out of this state of things Congress has wisely left the remedy in the power of the several States, to be applied as they may think most judicious.

I come now, Mr. Chairman, to the other proposition, and certainly the most important one, if the rights and interests of the small States are to be either guarded or protected—the proposition which contemplates the removal of the election of President from the House of Representatives, and the loss which the small States will consequently sustain; judging from the tenor of the remarks and arguments of the honorable mover, they are to have no compensation, and are to be in no way indemnified. This contingent power is all-important to the small States, and, without it, some of them would have never become members of the Confederacy, nor come into the Union. Rhode Island did not become a member until late in the year 1790, and then by a majority of only two votes, in the second convention that was called to adopt the constitution; and this result was produced by bringing to bear the weight and influence of the wealth and aristocracy of the State. Such were the jealousies and apprehensions of the people of that State; so tenacious were they of their rights; they reluctantly yielded their assent, and joined the Confederacy. But, sir, if the members of that Convention had been told, that within thirty-six years of the time the people of that State became members of the Union, propositions would be made, seriously discussed, and strongly, ably enforced, calculated to deprive that State of the benefits one of the features in the constitution gave to it, and the one that was best calculated to preserve the political power of small States, Rhode Island would never have become a member of the national Union, nor come into it other than a conquered province. We need but look into the constitution to show that it was formed in the spirit of compromise and in reference to State rights; and any alterations which affect those rights, is such an infringement upon the compact itself as to destroy the compromise upon which it was formed. The compromise is seen in the equal representation in the Senate, in the treaty-making power, in the apportionment of representatives and direct taxes, and in the choice of President and Vice President, on the final vote, in the House of Representatives; and no part of the compromise is more important to the small States than the latter. To show the light in which the Convention viewed the great work they had completed, I will read one or two extracts from the letter of Washington, written after the constitution was framed:

"It is at all times difficult to draw, with precision, the line between those rights which must be surrendered, and those which may be reserved; and, on the present occasion, this difficulty was im-

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creased by a difference among the several States as to their situation, extent, habits, and particular interest. The constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable."

If the constitution was formed in the true spirit of compromise, it may not be improper to inquire into the relative loss and gain between the large and small States; and if, upon investigation, it shall be found that the common and practical operation of the constitution has been such, and will continue to be such, as to lessen the weight of the small States, with all their contingent advantages, they will be fully justified in claiming and exercising all the rights which were fully guaranteed to them. When the constitution was framed, presented to the people, and adopted by the small States, it was expected the number of States would be increased; but no one anticipated the rapid increase, and no one anticipated the incorporation of States out of territories not within the old dominion of the United States; and every addition of States which has been made to the Union, has decreased the power of the old States, in the Senate of the United States; and has, by making necessary an increase of the representative ratio, decreased also the power of the old States in the other branch of the National Legislature. When the constitution was adopted, the federative voice bore proportion to the popular voice, of twenty-six to sixty-five; there were then thirteen States, with twenty-six Senators, and sixty-five Representatives; of which New Hampshire had three, Massachusetts eight, Rhode Island one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North and South Carolina each five, and Georgia three. Now, the federative voice bears a proportion to the popular voice, of forty-eight to two hundred and thirteen. When the constitution was adopted, Rhode Island, with one Representative, had one sixty-fifth of the whole representation, and Delaware the same; but now, Rhode Island, with two Representatives, has not one hundred and sixth part of the whole representation, and Delaware has now a two hundred and thirteenth part of the whole. Each had one-thirteenth of the representation in the Senate; now, but one twenty-fourth. Each had one-thirtieth of the electoral votes; now, Rhode Island has about one sixty-fifth, and Delaware one eighty-seventh. Each had, on the final vote, in the House of Representatives, one-thirteenth—and now, one twenty-fourth. Small States, in apportionments, suffer more than large ones, by their fractions. Take from Rhode Island one Representative, and you take one-half of her whole representation: take from New York one, that State will have thirty-three remaining: and if Rhode Island should lose one Representative, that State must have a large fraction for years. Delaware has now a fraction of thirty-two thousand; and, if

the late apportionment bill, as reported by the Committee of the Whole, when under discussion, had become a law, Rhode Island would have been left with a fraction of thirty-eight thousand. Small States are continually liable to suffer in this mode. Once, in every ten years, Rhode Island must struggle for one-half of her representation.

What, sir, is the effect of this fraction, considering the usages, as well as many of the established rules of the Government? In the distribution among the several States of many of the Government *favours*, I do not speak of Executive patronage, the representative ratio is resorted to as a rule. This is the standard by which the appointment of cadets for the military school is governed. I have now, Mr. Chairman, on my desk, a bill which has been reported, creating a school fund, which contemplates a distribution of the same, according to the number of Representatives in each State; and, upon the principles of this bill, your State has a fraction of thirty-two thousand, which can derive no benefit whatever from it. Small States must always suffer, in the distribution of public moneys. When standing alone, their expectations must be small, or they will certainly be disappointed. The most successful argument that was urged, and probably, the most judicious one, that was made in favor of the fortifications now erecting in Rhode Island, was bottomed upon the importance of the fortifications to other States. The waters of the Narragansett Bay were the key to Long Island Sound, and the Chesapeake Bay. Suppose, sir, a question should arise, in the location of the contemplated naval school, between Delaware and the State of New York—and Delaware, for the sake of the argument, we will say, was the most suitable place, would the small State of Delaware, with one Representative, able and distinguished as he is, stand an equal chance, here or elsewhere, with the great State of New York, with her thirty-four Representatives? These are inconveniences which the smaller States must calculate upon. Suppose two men were equally qualified for the Presidency, and had equal claims, one living in Delaware, and the other in New York, Pennsylvania, or Virginia—which would be the most likely to succeed? Sir, I doubt, if Washington had been a citizen and resident of one of the smallest States, whether he would have been elected a second time.

While the smaller States have not had, by the common operation of the constitution, all the benefits and advantages which they had a right to expect, I will proceed to show, that the influence and political power of some of the larger States have increased, beyond the calculations of the framers of the constitution; and, perhaps, the increase has been much greater than the States to which I shall refer anticipated. I approach, Mr. Chairman, this subject with reluctance, *cum manibus certe tremulis*—knowing, how sensitive many gentlemen on

this floor are, whenever the subject I propose, but for a moment, to examine, is brought into discussion, and believing it right, that their sensations should be excited, whenever any discussion should remind them of their unpleasant and unfortunate circumstances: but, sir, gentlemen will do me the justice to believe me, when I tell them I speak the undissembled sentiments of my heart, when, in my opinion, I declare, that the proposed amendment aims a deadly blow at the political power of the State to which I am indebted for a seat in this House. Shall I not, then, be justified by the occasion, in drawing an argument from any legal source, that will have a tendency to show the fallacy of the arguments in favor of the resolutions, and the injustice of the proposed amendments? The constitution was framed and adopted by the States, in a spirit of compromise: and shall one portion of the States enjoy all the benefits, while another shall be deprived of what it was intended they should enjoy? Sir, one portion of the States have enjoyed all that they could ever have expected, or hoped for—nay, more. I speak in reference to States with “a population of a certain kind.” I will not, on this occasion, nor on any other, if I can possibly avoid it, in this hall, use a term not used in the Constitution of the United States. Who can read the third paragraph, in the second section, and first article, of the Constitution of the United States, and not see the concession made by many of the small States, to the States to which I shall call the attention of the committee. “Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three-fifths of all other persons.*”

That this feature of the federative system was considered, at the time the constitution was framed, an advantage to those States having the kind of population to which I have referred, no rational man can doubt. So important was it considered, that it is a well-known fact, that two of the States refused to recommend the constitution, when formed, or to be bound by it, until the first clause in the ninth section of the first article of the constitution was inserted. At the time the constitution was framed, as well as at the period it was adopted, but a few among us thought this population would increase: it was the unceasing prayer of every philanthropist in the country, that it would not; and it was consequently supposed that those States which had this population, would derive no additional advantages from it, in the ratio of representation or otherwise. But, sir, how stand the facts, at this period?

At this moment, this species of population amounts, perhaps, to more than one million

seven hundred thousand, and, at the next census, will furnish one-third of the representation from those States where it exists. Those States, with this compound of population and property, have had the full benefit of this feature in the constitution introduced for their benefit. They have, in fact, had the benefit without paying, except in a few cases, the *quid pro quo* agreed upon: our revenue, except in a very few cases, has been derived from commerce; and but a small part of our war debt has, or will be, paid off by direct taxation. I will not pursue this subject further. The gentleman from Tennessee has intimated it ought never to be referred to, and has told the committee, that, if this population does exist, in the late war some of the States withheld their militia, when called for by the General Government: and this refusal by some States, is to shut out of sight, in this discussion of State rights, the part of the constitution referred to, and the political power given to some States by the means of it! Sir, all the old thirteen States, and particularly the smaller States, who have relied upon their relative importance in the Senate, which is in the inverse ratio of the number of that body, have witnessed a diminution of their strength, in the admission of States into this Union, out of territories not included within the limits of the old domain, at the adoption of the constitution. It is, perhaps, too late to controvert the constitutionality of such admission; and, if it could be questioned, and I think it well might be, necessity, which knows no law, would be resorted to for a justification: the territory must be purchased, to secure the free navigation of the Mississippi, and the deposit at New Orleans; and the purchase could not be effected, without an express stipulation in the treaty of cession, binding the United States to admit “the inhabitants of the ceded territory into the Union, as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights of citizens of the United States.”

Two States have already been carved out of this territory; and, in the course of time, perhaps, some eight or ten more may be. When the constitution is examined, and it is found to have been “ordained and established for the United States of America,” and for the territory which belonged to the United States, the same being an appendage to the United States: when we view the restricted power, relative to the admission of new States; [here Mr. FRABOX read the third section of article fourth, of the constitution,] it may well be questioned, whether the convention that framed or the State conventions which adopted, the constitution, supposed it capable of a construction that has been put upon it, and which, in this respect, it has received. If they did not, then, here has been an unexpected operation of the constitution, diminishing the power, if not impairing the rights, of the small States, and, in fact, of the whole of the Old Thirteen.

Sir, if public confidence, and a desire to retain

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it, can give any assurance of a faithful discharge of duties, a Representative of the nation ought to be considered as safe an agent, as a member of a State Legislature. Every member of this House has a good share of the confidence of forty thousand people; a town, a borough, or a district, with comparatively few inhabitants, may return a member of a State Legislature. Again, we are told by the honorable gentleman from South Carolina, (Mr. McDUFFIE,) that, hereafter, no man can aspire to the Presidential chair, who has not distinguished himself on this floor, or who has not shown himself eminently qualified to discharge the duties of President, by the discharge of the duties of some of the departments of Government. Be it so. Who are the best qualified to judge? And who can best judge of the qualifications of such men! The members of this House, who associate with them, know them well, and see them every day, or the members of a State Legislature, who can know them only by reputation? If, sir, the election is to be sent back to the States, to be by them settled by a vote, in districts, each State to have one vote, my objections will be found applicable to a vote in that mode—perhaps they will apply with more force; the votes in one district, will settle the vote of a State, and twenty men, or less, can control the vote of the district, and those men foreigners, mere birds of passage: for, we are told, by the honorable gentleman from Massachusetts, (Mr. EVERETT,) that, in some States, the elective franchise is extended to aliens, and persons not naturalized.

An honorable gentleman from New York, (Mr. CAMBRELENG,) cannot give to the Administration his support. *Hinc Lacrymæ.* That gentleman is also opposed to an election by the House of Representatives. If the distinguished citizen who now fills the Executive chair, had been elected by the people, would my friend from New York have been satisfied? If not, his objection may not be so much to the mode of election, as to the man elected. But, my friend from New York cannot give to this Administration his support. This declaration created at first, in my mind, some disagreeable sensations, and gave rise to some melancholy reflections. I did not know that the wheels of Government could move, if Hercules withheld his strength. One hundred and eighty clerks in the different departments, I had been told, had been anxiously watching the progress of the appropriation bill, and anxiously waiting its final passage. They were *sensibly alive* to the subject-matter of this bill. I felt for them: but, since I have ascertained this bill has, or is, in a fair way to become a law, and that the sun, more benign to us than he has been to many of our friends further north, for the last two or three weeks, has, as usual, rose, and, some part of the time, shone, and set, my mind has been greatly relieved. But the gentleman from New York will not try the present Administration by its measures: this he cannot

submit to, although his distinguished and magnanimous leader is perfectly willing so to do. Perhaps the gentleman from New York is apprehensive, if he adopts this course, he may find nothing to condemn; and, as condemnation is the order of the day, it is better to condemn without a trial, than not to condemn at all. Since the honorable gentleman has avowed his determination to oppose the Administration at all hazards, and, to do it effectually, is willing to encourage every species of party, I will resort again, but for a moment, to the Federalist, and ask the gentleman if he comes within Mr. Madison's definition of faction.

"By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent interest of the community."

The gentleman from New York cannot submit to an election by this House, the presiding officer of which is transferred from the Speaker's chair to the place of Secretary of State. Would the gentleman have objected to this transfer, if another candidate had been chosen President; and is he prepared to say, that the friends of one, at least, were not willing that the same transfer should have been made, in the event of the choice of that one? If another candidate had been chosen, the Speaker's chair might have been vacated, and no suspicions would have fallen on him who had so well filled it. Sir, I am prepared to say, that no Administration would have been entitled to the confidence of the nation, and none would have received the confidence of the people, which have overlooked the tried services and just claims of the Secretary of State—the able and zealous advocate of liberty, and whose exertions to perpetuate the blessings of our happy Government and the free institutions of our country, have been unequalled; whose views have not been limited by geographical lines or degrees of latitude, but who has been anxious to extend our blessings to the remotest corners of the earth.

The caucus system, or king caucus, has been introduced; and frequently referred to in the course of the debate; and, while some have contended that the removal of the election from this House is necessary, to prevent the operation of the *central* power, others have contended that it is necessary to restore *regular* nominations. I have but a few words to say on this subject; those conventions which followed public opinion, and not those which precede, and endeavor to give a direction to it, will be respected. When the country is divided into parties, they are necessary to concentrate their powers, and to enable the friends of candidates to act with more efficiency. I have, for about twenty years, attended all the caucuses or conventions that have been holden in the State from which I come, except the adjournment of "one un-

pledged caucus," and that I did not attend: for, but few could tell where it was holden, and but a few could be admitted; and I have almost invariably found that all which were in obedience to public opinion, were respected, and as often as men attempted to dictate to others the course they should adopt, so often were conventions or caucuses disregarded. Had I been a member of Congress when Jefferson was nominated, when Madison was nominated, when Monroe was nominated, as candidates for the Presidency, I would have attended the meetings that nominated them; public opinion had, before their nominations by those meetings, fixed upon them; had I been here when the sixty-six assembled in this Hall, I would not have attended the meeting—public opinion was not settled at that time, in favor of either of the numerous candidates, and the object of the meeting was to give a direction to public opinion, which was not to be influenced by the meeting. Of eleven States represented at that meeting, but two voted for the candidate there nominated.

Amidst all the anticipated evils and direful calamities conjured up by disordered minds, the resolutions of an honorable gentleman from Pennsylvania, (Mr. MINER,) resolutions which embody more good sense than all the others which have been offered, afford some solace to the mind; "*the people are virtuous and intelligent, and their Representatives are worthy of confidence.*" And if there be any want of virtue or intelligence, the best and surest mode to supply it, and maintain purity of election, is the establishment of free schools; for this purpose, giving the new States all they reasonably require, let a part of the nation's domain be parcelled out for the support and maintenance of public schools in the old States.

I have endeavored, Mr. Chairman, to convince the committee of the impropriety of the proposed alterations, and of the importance of that feature in the federative system, to the small States, which it is proposed to take from them. The constitution may be considered as a compact; at the time it was formed, some deference was thought to be due to the situation and services of the parties to it. It becomes not me to say much of the services of my native State, during our revolutionary struggle, her sufferings, or privations; but I am warranted in saying, that during that struggle, Rhode Island furnished more men, and lavished more treasure, for the common cause, in proportion to her numbers and her wealth, than any State in the Union. She fought the enemy wherever he was to be found; the war was carried to her very fireplaces. The island on which I reside, once the Eden of America, was, for a long period, the seat of war; our green fields were laid waste, our orchards cut down, houses burnt, and temples, dedicated to the worship of Almighty God, were converted into barracks and hospitals for a British soldiery. The effects of the Revolutionary War

are yet visible in the heart of Rhode Island. To fight her battles at home, and to furnish her quota to fight the battles of the nation, she raised regiments upon her own credit and responsibility; regiments composed of men who have not yet tasted the bounty of the nation, many of whom are now feeding upon individual charity, and all of whom are left in old age, to

"Weep o'er their wounds, o'er tales of sorrow done,  
Shoulder their crutch, and show how fields were won."

Sir, during the late struggle, Rhode Island was not behind her sister States in her contributions of blood and treasure. Some of our incorporated institutions subscribed their capitals to the Government loans; our private armed vessels made the enemy, even at Lloyd's, sensible of the existence of war. At the memorable battle of Bridgewater, when the gallant and intrepid Towson was pouring from the mouths of his field-pieces sheets of fire, and carrying destruction into the ranks of the enemy, he was covered, in part, by a Rhode Island officer, commanding Rhode Island men—by an officer who went into battle at the head of a company, with a full complement of men, whose company, when the battle was over, mustered seventeen men, who were not killed or wounded. A son of Rhode Island, at the head of a gallant crew, from the same State, fought the battle of the Lake—no, sir, in this I am mistaken, he had not the gallant crew with which he started from Newport—at Sackett's Harbor these men were taken from him, and he had thrown on his hands the refuse, the abandoned of God's creation; with such *stuff* the lamented Perry, with a great proportion of Rhode Island officers, fought the battle of Erie, when, for the first time in the history of our country, fleet met fleet, and, for the first time, fleet captured fleet. If, in two struggles, we have presented this burning lamp, are gentlemen now ready to *put out this light*? I would, Mr. Chairman, were it necessary on this occasion, appeal to the feelings, and summon to my aid the sympathies of other States. Vigorous Vermont, though yet in your infancy, your power has been curtailed, and, six years ago, you were reminded of the importance and value of this part of the constitution, now attempted to be taken away. Connecticut, the voice of eloquence has already given assurances of your fidelity. Delaware, you will cling to this part of the constitution, as the sheet-anchor of your hope. Ohio, recollect the sons of Rhode Island and Connecticut first broke ground upon the banks of the Muskingum; your soil now embosoms the ashes of the most eloquent advocate that ever graced the courts of Rhode Island. Virginia, proud, and justly proud, the land of heroes, patriots, statesmen, and philosophers, are you prepared for this amendment? You have already had some warning of old age and decrepitude; the

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sceptre of your power may be transferred to other hands; the power of some vaunted State may hereafter write the *his jacet* of your glory. Mr. Chairman, I have done—if the resolutions do pass, I shall be consoled with the reflection of having made an effort, feeble as it has been, to prevent their passage—

*Si Pergama dextra  
Defendi posset, etiam hac defensa fuissent.*

I submit the interest of the State I represent to the justice and magnanimity of the House.

Mr. Wood, of New York, then rose, and spoke as follows :

Mr. Chairman: It is a question relative to the organization of the General Government—the mode of appointing the chief Executive Magistrate—in the abstract, of very little consequence, but in its connection, of vast importance. It involves the principles of liberty, and enters into the foundation on which it rests. It is an instrument provided by the constitution for the preservation of freedom, and this alone renders it of much importance.

The subject has been involved in some obscurity, by not distinguishing clearly between the objects of the State and General Governments, and the relations which the people bear to each.

Let us trace the history of our Government from its origin. When the colonies dissolved their connection with Great Britain, the sovereign power devolved upon the people of this country. The people of each State formed or adopted a constitution, with more or less power. Some States invested their Governments with entire sovereignty, others with limited powers. During the war of the Revolution, the States took a part of the powers, of a general nature, from their State constitutions, and, with them, formed a confederate Government for the thirteen States, to enable Congress to carry on the war, and to form treaties with other nations; the States retained the power over commerce and taxation; Congress supplied the public treasury by quotas on the States.

This mode of supplying the treasury proved inefficient, and led to the formation of the present constitution on the basis of the confederation. The only essential powers that were added, were those over commerce and taxation; the government of territories; the disposition of the public land; and a National Judiciary; and the Government was made to have a national operation.

Why did the people of the several States divide the powers of sovereignty between the two Governments? The history of the times shows that it was done from a conviction that a single National Government was unsafe, and would prove hostile to liberty; that a single Government, for a country of such extent and diversity of interest, must be invested with so much energy as would lead to despotism.

The people of the several States divided

those powers which they thought fit to delegate, between the two Governments, in such manner as to adapt them to the respective ends for which they were designed.

The State Governments were intended to protect the rights of their members, within their respective limits, from injuries, without force. The General Government was intended to protect the rights of the citizens of all the States from internal and external force, and upon the ocean. The people of each State, in relation to the State Government, are to be considered in a separate federal or political capacity, as citizens of that particular State of which they are members; and, in relation to the General Government, they are to be considered in an aggregate or national capacity, as citizens of the United States. The rights and interests of the people, in one capacity, are not opposed to their rights and interests in their other capacity, but are in perfect harmony. What is necessary for the security of their liberties, in one capacity, is necessary in the other. The safety of the people, in both capacities, depends on the preservation of each Government within its proper limits. The only opposition in the case, is, between those who wish to deprive the States of a portion of their power, and those who wish to prevent it; between those who wish to disturb the present adjustment of powers between the two Governments, and those who are opposed to it; between those who wish to transfer a part of the power of the States to the General Government, and those who wish to retain it.

The framers of the General Government seem to have anticipated that the possession of the sword and the purse, with the patronage it must command, would give that Government a preponderating influence, which might become dangerous to the States, and they endeavored to provide means to counteract this tendency to enlargement, which they foresaw, by giving the States the appointment of a portion of the officers who were to administer it; by limiting its powers to a few enumerated objects; and by a prudent distribution of its powers.

The election of the chief Executive Magistrate of the General Government, is, by the constitution, to be made by electors to be appointed by the several States, in such manner as the Legislatures thereof shall direct, and, in case the electors shall fail to make a choice, the delegations of the respective States, in the House of Representatives, are to select the President from the three candidates having the highest number of electoral votes, in their Federal or political capacities, each State having one vote.

A State, in all cases where the term is used in the constitution, in relation to choice or action, is to be considered as a moral person, and evidently means the people, in their corporate or political character. The Legislature is the organ by which the people express their

will, in the first instance, and by which they direct the mode or manner in which their will shall be otherwise expressed.

The true meaning of this article of the constitution is, that the people of each State shall appoint electors, in such manner as they, in their corporate or political capacity, shall see fit. This power to regulate the mode of appointing electors in each State, is, therefore, a *State right*, and is to be exercised according to the *unqualified discretion* of the people of the State. This is the constitutional regulation, and does away the objection relative to the want of uniformity: uniformity implies regulation, and is incompatible with discretion; to regulate it would be to destroy it.

The people of each State are at liberty to exercise this right in the manner in which they shall judge it will be most beneficial to their interests. They may make the appointment by delegates chosen for the sole and express purpose, or they may appoint the electors themselves in the first instance, either by a general ticket, or by larger or smaller districts.

The object of the power was to secure the integrity and independence of the several States, by reserving to them the control over the election of the chief Executive Magistrate of the General Government, who would be, in some measure, responsible to them, and who would be bound, by this tie, to resist any course of policy that would lead to an abridgment of the power and influence of the States, or who, as a faithful sentinel, would apprise them of the approach of danger from that quarter. This power is a most efficient weapon of self-defence; it will enable the States, in any crisis that may threaten their independence, to arrest the motions of the Government, and avert the danger. It is a federal power of resistance, analogous to that power which is inherent in the people of every Government to arrest its career when it becomes destructive of the ends of the social contract.

In case a Cæsar should ever obtain the Executive chair, and should attempt to remove the obstructions which the State Governments would interpose to his ambition, the States, by the bare refusal to act, may, within four years, arrest his course, and reduce him to a private station.

Although it is a powerful, yet it is a *peaceable* weapon of self-defence; it is a civil remedy provided by the constitution, as a substitute for civil war and bloodshed, and a preservative against the miseries it inflicts; it is a wise provision, which will enable the States to reclaim the Government from its errors, without annihilating or changing it; to bring it back to first principles, and to reanimate it with the spirit of liberty; it was a precious invention of the Convention who framed the constitution, and is peculiar to the Federal Government. It is, also, a *harmless* power; it can only be used by the States in concert, and is a measure to which they will never resort, except in ex-

treme cases, when their independence is at stake. All important, however, as this power is, it can only be exercised by the people of the several States, in their political capacities. To take the control of the election from the States is to annihilate it. It is a Federal, and not a national power, and cannot be exercised in, a national capacity. Take it from the States, and they will still be political societies, but, like Samson shorn of his locks, their strength will be gone. Would it not be a species of self-immolation for the States to surrender a power so interwoven with their political existence?

The resolutions before the committee, both involve the same principle. They propose to take from the States all manner of control over the election of President—incipient or final—to destroy its Federal character, and to make it national.

They assume to confer a benefit, by making the election uniform by districts in every State, and, under this disguise, propose to strip the people of the several States of their constitutional power over the election, and aim a deadly blow at one of the strongholds of their liberties.

The adoption of the resolutions would make the election of the President purely national; would deprive the people of the several States, in their political capacities, of their constituent power, and render him irresponsible to them.

The preservation of the public liberty requires that the boundaries of the two Governments should be observed. The objects of the General Government, and the nature of its powers, are calculated to give it a preponderating influence over those of the States. It is our shield in war; its offices have more attractions for talent and ambition than those of the States, and its public expenditures embrace a wider range, and are more diffusive in their benefits.

Roads, bridges, and canals, are the subjects of internal improvement. Their use is to facilitate intercourse and transportation, from one place to another.

If any subjects whatever require municipal regulation more than others, these are those subjects. Roads and bridges were a part of the *trinoda necessitas* to which every citizen was bound to contribute by the ancient law. They are altogether of a local nature; they require local taxation, local superintendence, and local protection. Internal improvement was not among the purposes for which the General Government was instituted, nor is it the object of any one of its enumerated powers. If the General Government has any power over the subject, what are its limits? How is it to be carried into effect, without interfering with the Legislative and Judicial authority of the States?

It appears to me that the general subject clearly belongs to the States, and that the cases in which it may possibly become neces-

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nary to the execution of the enumerated powers of the General Government, are exceptions to the rule, and a confirmation of it.

The extension of the powers of the General Government, to any subject evidently within the cognizance of the States, removes one barrier against the inroads of that Government upon the sovereignty and independence of the States.

An ambition for national aggrandizement is not easily confined to prescribed limits, nor is it apt to be checked by constitutional scruples. How has it happened that a constitution framed for the territory ceded to the United States, by the treaty of 1783, has been extended to the American Archipelago, on the one hand, and to the Pacific Ocean on the other? Might it not, on the same principles, be extended to embrace the Island of Owyhee, on the one side, and St. Domingo on the other?

Sir, the intention of the framers of the constitution is further evinced by the distribution of its power among the different branches of the Executive and Legislative departments.

The President is elected for four years; is commander-in-chief of the army and navy; has the exclusive power of nominating public officers—but the concurrence of the Senate is necessary to their appointment; he has the power of negotiating treaties—but the consent of two-thirds of the Senators present is necessary to their ratification; and he has a qualified negative in legislation.

The House of Representatives is elected for two years; has the exclusive right of originating impeachments; has the exclusive power of originating revenue laws, subject to the power of the Senate to amend them as in other cases, and a co-equal power with the Senate in ordinary legislation; and has the power of electing the President in case no choice is made by the Electors, when the members vote by States, each State having one vote.

The Senate is elected for six years; has the exclusive power of trying impeachments, except in case of the impeachment of the President, when the Chief Justice is associated with them; has co-equal power with the House of Representatives in legislation, except in the origination of revenue bills; has a concurrent power with the President in the appointment of public officers; and the consent of two-thirds of the members present is necessary to the validity of a treaty.

The permanency of the Senate, and the various powers, Executive, Legislative, and Judicial, vested in that body, renders it the pre-eminent power of the constitution. The union of the Senate with the Executive, in the treaty-making power, is calculated to give that body an important influence, if not the principal control, over our foreign relations. It is the property of every permanent body to carry its powers to their utmost extent.

Doctor Robertson, in his observations on the Reformation, in his history of Charles V.

affirms, that history furnishes no instance of a relinquishment of power by an organized body of men, unless it was imposed on them by a foreign hand. A disposition to monopolize a control of this power would embarrass our negotiations; would destroy the responsibility of the Executive; would deprive the country of the benefits of his wisdom and experience, and would strip the department of its most important feature.

The principal security we have for the faithful exercise of the vast powers vested in the Senate, is the personal character of its members: the body may be considered as permanent; the members share the patronage of Government, as well as contribute to confer it; they are not liable to impeachment, and their responsibility is weakened by the changeable character of the State Legislatures. They are the sole guardians of their own purity; and the only reliance of the nation against the corruption of the body, is upon the moral sense, and the sense of honor, of the individual members, and upon the disposition which their self-respect will dictate to preserve the body from contamination, by the power of expulsion.

Constituted as the Senate now is, it is to be wished that no man should be advanced to the honor of a seat in that august assembly who is not as pure as was Aristides, as wise as Solon, and as patrotic as Regulus.

Exceptionable as the constitution of the Senate is in theory, a different organization might be liable to greater practical evils. If the sole power over our foreign relations was vested in the Executive, the shortness of his term of office, and the frequent changes of the incumbents, might lead to a changeable policy, or to a more exceptionable course of temporizing expedients.

Why was the Senate made the depository of so large a portion of the powers delegated to the General Government? Why was it put in the power of that body to control the operations of both the Executive and Legislative departments of the Government? It was, doubtless, because the members of the Senate represented the States; were chosen by them, and were responsible to them, and would be bound by this tie to defend the sovereignty and independence of the States against any plan of policy that would impair them, or, in case they should fail in their efforts to do this, would be bound to apprise the States they represented, of the danger with which they were threatened.

I shall now notice a few of the reasons assigned for taking the ultimate or contingent election from the House of Representatives, which have not been as fully answered as others.

It is said that the election by the House of Representatives, violates the maxim which inhibits the division of power between the Executive and Legislative departments.

The election involves no exercise of Execu-



tive or Legislative power: it is a constituent act, by the delegations of the several States, in their Federal capacities, constituting a President. It is an act in which no other department has any participation; when the choice is made, the power ceases. The objection, therefore, does not apply to a case like this.

It is also alleged that those who vote for the successful candidate will become the partisans of his administration. In answer to this it may be observed, that the majority are under no stronger moral or political obligations to support the administration of an Executive, elected according to the forms of the constitution, than the minority. Every citizen is bound, by his allegiance, to support the constitutional measures of the Government, while they continue in force.

Sir, intimations have been suggested in this debate, favoring an opposition of the minority to constitutional authority, which I consider hostile to the very being of the Republican system.

The constant calumny of the motives of public men, not only lessens the veneration for them in the minds of the people, but, by the principle of association, lessens their general estimate of character, lessens their own self-respect, and thus removes one of the strongest guards of virtue, and lowers the standard of the public morals.

It is this trait in the moral constitution of man that gives to education its power in forming the moral character of youth; and an intelligent writer contends that, by a wise improvement of this faculty, it is in the power of the public rulers of a State to improve the moral character of the nation; that the public policy may be so modified, in relation to our moral feelings, as to render a people humane or cruel, brave or timid, high-minded or mean-spirited, virtuous or vicious.

It is further alleged, that the election in the House of Representatives exposes the members to be diverted from their duty by Executive patronage.

The refutation of the leading feature of this objection, by the gentlemen who have preceded me, exempts me from the necessity of noticing it.

I should have no objection to transfer this power to any other body, provided the federative principle was preserved, if I could discover that there was any such, who would be under stronger obligations to consult the public interests, or better qualified to promote them.

It is proposed to send the election back to the electoral colleges, or some other board of electors. I cannot perceive any advantage to be gained by this arrangement.

Every election, after the first, must be by States, each State giving one vote, to preserve the original compact of the constitution with the small States, and to preserve the great conservative principle of State sovereignty and independence; and there is no body of this na-

tion more responsible, or better informed, than the House of Representatives.

Mr. Chairman, something has been said, in the course of this debate, respecting the danger to which our liberty is exposed, and respecting the means of preserving it. It has been the purpose of my argument to show, that the adoption of the resolutions before the committee would endanger our liberty, and that the preservation of the power, secured to the States in their political capacities by the constitution, over the election of the President and Senate, and the restriction of the operations of the General Government to its constitutional limits, are essential means of preserving it.

I will, in conclusion, make a few more particular observations respecting the principles that constitute the foundation of free States, with as much brevity and simplicity as possible, with some historical illustrations.

Civil liberty depends on the organization of society, the moral character of the people, and a free constitution. An equality of rank and property among the people, intelligence and virtue to qualify them for submission to the will of the majority, and a constitution embracing the principles of liberty, are essential to a well-ordered Republic; and it will be weakened or destroyed by such causes as are calculated to modify or change any of these elementary principles.

A free constitution ought to secure the principle of representation, periodical election, personal security, trial by jury, and a free press.

The Greeks enjoyed an equality of rank and property, and, in the early period of their history, were virtuous and intelligent; but they were ignorant of the advantages of a Representative Government, and their constitutions were extremely defective in their organization.

The contests between those among whom the different powers of government were allotted, generated factions. These made the people venal and licentious, and rendered them incapable of self-government, and the admission of Philip of Macedon to a seat in the Amphictyonic Council, put a period to their independence.

The Romans were divided into ranks. The people, in the early stages of the Republic, were virtuous, but the Government was badly organized. Although the people had a share in the choice of their magistrates and public officers, and in making their laws, yet they never understood the true principles of representation, nor did they apply them to the case of legislation.

After the expulsion of the kings, the principal power was lodged in the Senate, which was composed of the patricians, and became an iron-handed aristocracy.

The rigorous measures of that body forced the people to retire from the city to the sacred mount, and the establishment of the tribunitia authority was the condition of their return. The Tribunes had a negative upon the acts of

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the Senate; the boundary between the powers of the two bodies was indefinite, and the contests between them for power generated factions and corrupted the people. War was the principal occupation of the citizens; agriculture, commerce, and the arts, were the employment of slaves. While not engaged in war, they were idle, and became venal. The armies, by being suffered to plunder the provinces, became licentious, and the republic became the spoil of ambition, a victim of faction, and a licentious soldiery. Cæsar did not aspire for the empire until the people of Rome had become incapable of self-government, and were prepared for a master.

By the feudal system, modern Europe was divided into ranks of princes and hereditary nobles, who engrossed the lands; and the common people, who were their tenants, and, until the establishment of standing armies by Charles the Seventh, in 1448, formed the soldiery of the different States or kingdoms. The people had no share in Government. The whole powers of Government were vested in the princes and nobility.

This organization of society and Government still exists in most countries in Europe, and precludes the existence of free Government. A free constitution is incompatible with a feudal organization of society. Power will follow property where it is engrossed by a few hands, and who are fortified in its enjoyment by restraints against alienation. It is a law of our being, that men should be governed by those upon whom they are dependent for subsistence.

The forms of a free Government are of little use without the capacity to enjoy it. The establishment of such a Government on a feudal basis would be, in a great measure, useless to the people; the elections would be controlled by the king and the nobles, and every measure would be dictated by them. Such a Government would probably be an evil, by making the people the instruments of strengthening the chains that bind them to their condition.

These are the reasons why the attempts to establish free Governments in France, and elsewhere, on a feudal organization of society, have failed, and, while it continues, must fail.

Before free Governments can succeed in those countries, society must be reorganized; rank must be abolished, or some means adopted to countervail its influence; the restraints against the alienation of real property must be removed, and the people admitted to an equality of political rights, and instructed in the elements of freedom, to render them capable of self-government.

Liberty was established in England, by the Saxons, before the feudal system was introduced by William the Norman. The spirit of liberty and feudalism have been in perpetual conflict from that period to the present time, and every revolution in that country has terminated in

favor of public liberty. It was the spirit of Saxon liberty which produced the representation of the people in Parliament, and procured the great charter, trial by jury, the habeas corpus act, a free press, and all the limitations on the royal prerogative. The same spirit has made great inroads on the feudal system of landed property; has contrived means to unfetter inheritances, and remove the restraints against alienation.

These innovations in the laws of real property in England, with the immense accumulation of personal property, created by the exertions of an industrious people vigorously employed in agriculture, commerce, and manufactures, countervail, in a great degree, the influence of the feudal organization of society; and the power of the representatives of the people, over the public supplies, forms a balance to the hereditary principles of the constitution, and renders them, compared with other countries where the feudal system prevails, a free people.

An equality of rank and property, the virtue and intelligence of the people, and the freedom of their constitutions, make the United States the freest nation on earth.

The people of the several States framed the confederation to manage the affairs of peace and war, and to regulate their intercourse with other nations. In framing the present constitution of the General Government, to the powers of peace and war they added the power over commerce and taxation, and gave it a national operation.

They rely upon the State Governments for the protection of their rights against injuries without force, and upon the General Government for protection from external and internal violence.

The security of our liberties depends on the concurrent operation of the two Governments in their respective limits. The tendency of things is to give a preponderance to the General Government. The invasion of the powers of the States by the General Government, and the corruption of manners, are the principal sources of danger to public liberty. An ambitious spirit for national aggrandizement and national glory, leads to the first evil, and faction to the second.

The proper exercise of the power which the States now have by the constitution, over the election of the President and Senate, will enable them to check the inroads of the General Government on their sovereignty and independence. Public virtue and an enlightened public opinion only can check the progress of faction.

The object of the resolutions before the committee is to take from the States one of the principal means provided by the constitution for their security against the encroachments of the General Government upon the rights reserved to the States. Before the advocates of the resolutions can with any propriety ask for the surrender of the power which the States now have over the election of President, they

are bound to show that the reservation of this power is not necessary for the security of the States in any crisis that can happen in a conflict for power between the two Governments. That a surrender of the power will not augment the comparative influence of the General Government—or that the State Governments are not necessary, and that a Government purely national would be a better safeguard to our liberties.

Sir, I have given my sentiments freely on the several topics I have mentioned. I have no interest but the welfare of my constituents, and preservation of the public liberty.

There is some reason to believe that the result of the late election has some influence on this discussion. It is always unwise to make great changes to suit a particular crisis.

It was of little consequence to the public liberty which of the candidates succeeded—they were all honorable men—but it is of vital importance to the public liberty that the States should retain all the essential powers which the constitution has provided for their security.

On motion of Mr. ISAACKS, the committee then rose, and having obtained leave to sit again,

The House adjourned.

#### WEDNESDAY, March 15.

After the reading of the journal, Mr. OWEN rose, and announced to the House the death of the Honorable CHRISTOPHER RANKIN, the Representative from the State of Mississippi, in the following terms:

Mr. Speaker, the painful duty of announcing to the House the death of the distinguished Representative of the State of Mississippi, has devolved on me. I do not, I cannot attempt a panegyric on the memory of the deceased. His death is a national calamity. He was, sir, a statesman, a patriot, and an honest man: his loss to his State is irreparable; his place here cannot easily be filled. Virtuous, philanthropic, and charitable, all who knew him were his friends—enemies he had none.

Whereupon, on motion of Mr. OWEN, the House came to the following resolutions:

*Resolved, unanimously,* That the members of this House will testify their respect for the memory of CHRISTOPHER RANKIN, by wearing crape on the left arm for thirty days.

*Resolved unanimously,* That the members of this House will attend the funeral of the late CHRISTOPHER RANKIN, to-morrow at 12 o'clock.

*Resolved,* That a Committee of Arrangement be appointed, and the Senate be notified thereof.

And then the House adjourned

#### THURSDAY, March 16.

This day was devoted, by both Houses of Congress, to funeral solemnities, consequent on the death of Mr. RANKIN.

#### TUESDAY, March 21.

##### *Amendment of the Constitution.*

On motion of Mr. McDUFFIE, the House again went into Committee of the Whole on the state of the Union on the resolutions heretofore submitted by him, proposing an amendment to the Constitution of the United States.

Mr. ISAACKS addressed the committee as follows:

Mr. Chairman: If the subject now referred to the committee were like the ordinary objects of legislation upon which we are called to act, it would long since have been exhausted; but the history of man, the nature of man, the structure of our Government, and our experience under it, furnish the sources from which this investigation must be drawn; and those sources are inexhaustible.

Before I proceed to consider the propositions comprehended in these resolutions, permit me to notice some objections which have been thrown in the way of our progress. It is objected that this is not a proper time to act upon the amendments proposing a change in the constitution, relative to the election of the President and Vice President, because we have just gotten out of that contest: two years ago we were told that *that* was not a proper time to act on these same amendments, because we were then upon the eve of that election; and two years hence the same objection will be repeated. May I ask, then, when will be the proper time? The answer will be, that, to such as made the objection, that time will never come—the four years between the last and the next Presidential election is just as long as it ever will be between those periodical occurrences.

It is also said, that the number of resolutions, and the various plans which have been proposed, is another objection to our proceeding in this undertaking. That circumstance may, and I fear will, occasion some difficulty, and probably the greatest which may be found, in settling down upon any given proposition; but it certainly does not prove that the attempt ought not seriously to be made; on the contrary, it is but another proof that the state of things requires it; that the country expects it; that the people are ripe for it; that the necessity of the case is apparent, from actual experiment; and hence it is, that propositions from all parts of the Union have poured in upon us, the whole of them pointing to such a change in the mode of electing these officers, as shall prevent the choice from being referred to Congress. This, I believe, is a strong feature in all the resolutions which have been submitted, except that grave resolve of the gentleman from Pennsylvania, (Mr. MINER,) which, in effect, asks that the Committee of the Whole on the state of the Union shall determine that the constitution is the constitution. The gentleman from Massachusetts, (Mr. EVERETT,) indeed, concludes that all these propositions are only so many violations of the constitution, which we are all sworn to

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support. And the gentleman from Maine, (Mr. HERRICK,) who seems to have looked further into this matter, and discovered that the constitution has provided for its own amendment, and pointed out the mode, is willing that it should be so amended as to prevent amendment oftener than once in ten years.

Previous to the meeting of this Congress, a recommendation for the amendment of this instrument was expected from another quarter, which, if it had been made, would doubtless have been high authority with many who now oppose these resolutions. The President, in his letter of acceptance of the office which he now holds, expressed himself "deeply sensible to the circumstances under which it had been given." Adverting to the fact "that all his predecessors had been honored with majorities of the electoral voices, in their primary colleges," he deploras the "misfortune" in which the division of sentiment had placed him, and particularly the irreconcilable fact, of one of his competitors having been "recommended by a larger minority of the primary electoral suffrages than himself." To "give an immediate opportunity to the people to form and express, with a nearer approach to unanimity, the object of their choice," it was confidently expected that the President, in his opening message to Congress, would have recommended such amendments of the constitution that thereby the reference, so desirable, might, in future, be made, and such as would prevent either himself or his successors, from ever finding themselves under the *painful* necessity of accepting that "eminent charge," without the majority which he so sensibly felt his want of. But this recommendation was not made.

Upon that resolution which proposes so to amend the constitution as to prevent the election from devolving upon Congress, there is no middle ground; we must here take sides. We are not here adjusting the manner in which the people shall exercise this invaluable right, but we are deciding whether they shall enjoy it at all. Whether they shall keep it, or whether it shall be taken from them.

Tell's arrow must be true to its aim, or his child will bleed. This youthful but herculean republic must strangle the monster *Patronage*, or it will strangle him.

Mr. Chairman: In support of the second resolution, proposing a "uniform mode of electing by districts," I shall not spend the time of the committee in showing, that it is preferable to the practice in some States, of choosing electors by the Legislature. That practice has found so few friends here, that it can have no claims to competition.

The gentlemen who have supported, with so much zeal and ability, the propriety and essential right of a State to vote altogether according to the general ticket plan, have, with much force, and probably some effect, contended that, according to the spirit and whole frame of the constitution, the right of the States to choose elec-

tors is based on the federative, and not on the popular principle. My answer is, that the constitution has assimilated this power of choosing electors to the power of choosing Representatives to Congress; it has adopted the same rule with regard to the numbers of each; it has based the right of choosing Representatives most clearly on the popular principle; and it has made the other, in all its material and striking affinities, exactly like it.

In the House of Representatives, the *people* are represented according to their numbers; and not the *States* regardless of their numbers. The constitution directs that "the number of Representatives shall not exceed *one for every thirty thousand*, but each State shall have one Representative;" and the power was granted to Congress to increase, at stated periods, the number that should be entitled to this *one* Representative. Then, at whatever number the ratio shall be fixed, that number, as one integral, and for this purpose independent, part of the whole population, has its *own* and *sole* Representative in this House; it has the right to choose who he shall be, and the power to hold him to a strict accountability to them, for the duties which its choice imposes on him. And in this choice, and this responsibility, consists the great security which the people have upon their Representatives.

As to electors, the constitution directs that "each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which such State may be entitled in Congress." Now, the argument that this power of appointing electors belongs to the States, purely in their sovereign and independent character, proves too much. A State is a State, the Union over. Delaware, with its one Representative and three electors, as a State possesses all the attributes of sovereignty which belong to the State of New York, which, by the constitution, is entitled to thirty-six. The latter, then, cannot have this advantage over the former on the ground that they are both States: for, in that respect they are equal, and each would be entitled exactly to the same number. But it is upon the principle, that, in conferring the power in question, the constitution has gone beyond the corporate character of the State, and has adapted the number both of Representatives and electors, to the actual enumeration of inhabitants in each State.

So far, then, as the analogy holds good between members of the House of Representatives and electors, the argument that the right of choosing the latter is purely and entirely federative, must fall to the ground. I admit that the two electors, corresponding with the two Senators from each State, has more the semblance of the federative character, but this would only prove, that, as to electors, the representative principle was adopted in both its popular and federative features.

In this respect, however, we are not deter-

mining what the constitution is, but what it should be; and the question is, whether the power of choosing electors, is either in whole or in part *necessarily* federative? I have already attempted to show that, in principle, it is, and should be, a popular right; that the number of people competent to have a voice in the election should, to that extent, be a *unit*, and, consequently, each State should be divided into as many districts as the number of electors to which they are entitled.

Let us next inquire what advantage the mode of electing by general ticket can be to any of the States. I know that some of the large States resort to it for the purpose of uniting their whole strength, and bringing their undivided vote in favor of a candidate, who may have a bare majority of the State; but the united vote in one State is just the same, in proportion to its population, as it is in another. No, sir, I am mistaken; the smaller the State the greater is that relative strength. Take, for example, a State entitled to thirty-six votes, and another entitled to three; the former has only an elector for every forty thousand, with the small fraction of two-seventeenths over; the latter has its elector for its forty thousand inhabitants, and two electors more; and, in this manner, all the States between these two extremes, put forth their relative strength—the smaller the State the greater is the strength, in proportion to its numbers, on account of the two electors corresponding with the two Senators.

Another argument opposed to the general ticket plan, is, that, when adopted by one, it acts as a kind of moral coercion upon all to adopt it. No matter how strongly the direct system might be preferred by the States—when the general ticket practice is pursued by others, the districted States must either yield their own most favorite mode, or permit the others to gain an advantage over them in the election; neither of which ought they to be subjected to.

This argument leads us to the proposition for prescribing a uniform mode of electing. But before I dismiss this part of the subject, I must take one moment to brush away the dust which all the gentlemen opposed to these resolutions attempt to throw in our eyes. We are, by all of them, reminded of the partial representation of the slave population in those States where it exists. And the gentleman from Rhode Island (Mr. PEARSON) has given us a calculation, from which he assumes the fact, that this constitutional representation amounts to twenty-five members on this floor. Be it so. By that same constitution, so much venerated and so little loved by some gentlemen, an ample equivalent is given. If that population produces twenty-five Representatives, it also produces an excess of about twelve and a half per cent. of direct tax, which is taken off the States where slavery does not exist, and laid on those where it does; and this, in times of general pressure, when the resources of money and credit are nearly spent,

and revenue must be raised, is an item in the account of profit and loss, which gladdens the eyes of the gainers, perhaps more than the sight of its equivalent in representation here may do.

The reasons in favor of uniformity in the mode of electing are so plain and obvious, that I need not spend time in bringing them forth to view. By that process the power of appointing will be everywhere equalized: the responsibility resulting from it everywhere the same.

The next proposition which I choose to consider, as involved in one of these resolutions, is that of dispensing with electors altogether, and permitting the people to vote directly for the President and Vice President.

It must be obvious, that, if they are even faithful, they are, at best, unnecessary and useless. If unfaithful, they are worse than useless. I hold it to be right, not only to place the election as near to the people as possible, but to prevent the least removal of it from them. It is their own business, and why should they not be allowed to do it? Do gentlemen think that they have not the necessary information to enable them to act for themselves? If they do they are greatly mistaken. Why are all these thousands and tens of thousands of documents printed and scattered through the land? Of what avail are the six hundred newspapers, which circulate over the whole Union, the books, the benefits of intercourse, the learning, the science, and above all, the sound native stock of common sense and common honesty, to be found at every fireside? If they need more of the means of information, make them the actual doers of this great work of making Presidents, and, my word for it, they will soon qualify themselves for the work. Let a man know what he has to do, if you want him to learn how to do it. But how is it that more information is required to enable the voters properly to act, in voting for the President themselves, directly, than in voting for electors to vote for them. The direct vote has all the advantages of simplicity: the voting for electors all the disadvantages of complexity. In exercising the right of suffrage, the mode which is the shortest, most simple, easiest to be understood, and withal the most certain, has every thing to recommend it. Besides, nothing can be better calculated to awaken that degree of interest which is necessary to induce the people to attend to the election, than to put it in their power to vote directly for the men of their choice, to fill these great offices.

It is time, Mr. Chairman, that I should approach the all-important provision contained in these resolutions, that is, "that the constitution ought to be amended in such manner as to prevent the election of President and Vice President from devolving on Congress." This power was made contingent, and from the known views of the framers of the constitution, and the whole volume of evidence which contemporaneous exposition furnishes, it was thought

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to be *remote*, and barely within the reach of possibility; but past experience, and the actual acquaintance with the true state of things, as they are, and as they are likely to be, must produce in the mind of every impartial observer, the settled, steadfast conviction, that this power, at first intended to be *contingent* and *remote*, will become frequent, common, predominant. In practice, the power of Congress will take the place of the right of the people. The people, who, of right, should enjoy and effectually exercise this power, will retain the name and form, without the substance and the benefits of it. Precedents will draw after them practice; one election by Congress will lead to another; and, as the recurrence becomes more frequent and fashionable, all its tendencies will gain strength; and, to the same extent, the right will pass away from the people, or dwindle into nothing.

But, has Congress abused this power? I would affirm that it had; but, as it is my purpose to speak of characters, rather than individuals, I am content that the free, unbiassed, unbought judgments of the American people, should give the response to this question. Will Congress certainly abuse this power? The unanswered arguments which have been urged, founded in the depravity of our nature, our weakness, our ambition, our situations here, our relations to the Executive; the operations of his extensive influence and patronage, if truth can prevail, must have shown that, in the hands of Congress, the abuse is next to inevitable.

The gentleman from New York (Mr. STORRS) undertook to show, that men in power never did, nor never could, destroy any Government, but that Governments were only in danger by men out of power; and, finding that he could not be sustained, either by reason or matter of fact, became poetical, at the expense of these poor powerless people—he drew largely upon Milton. From his example, I will take the liberty of quoting, from the “Rights of Man,” (a work of not very high authority, as I understand, at White Hall,) the description of the National Assembly of France, as worthy of imitation by this assembly, whether in or out of power. It was the assembly which was convened while the King was yet on the throne, and which undertook, not to revolutionize the Government, but to define the rights of the subject, and limit the prerogative of the Crown; and of which the great and good Lafayette was the “*Magnus Apollo*.” It is thus given:

“Speech is, in the first place, one of the essential rights of man, always retained; and, with respect to the National Assembly, the use of it is their duty, and the nation is their authority. Feeling the dignity of their character, they support it. Their parliamentary language, whether for or against the measure, is free, bold, and manly, and extends to all the circumstances of the case.”

“If any matter or subject, respecting the Executive Department, or the person who presides in it, (the King,) comes before them, it is debated on

with the spirit of men, and the language of gentlemen, and their answer or address is returned in the same style. They stand not aloof, with the gaping vacuity of vulgar ignorance, nor bend with the cringe of sycophantic insignificance. The graceful pride of truth knows no extremes, and preserves, in every latitude of life, the right angled character of man.”

I think the character here drawn, worthy, at least, of my imitation.

A few words now about a Congress President. Who makes him? “We, the people of the United States!” No, sir, we the servants of the people—a grade of workmen below the journeymen, fixes him up; the master’s hand is not in the work. Who is he responsible to? Those who made him. The creature, as well in a state of political existence, as in the natural, must be dependent upon his creator—“in their hands are the issues of his political life.” All our theories, and all our practice, upon the principles of good government, prove that the Legislative and the Executive Departments should be placed and preserved as distinct from, and as independent of, each other, as the regularity of action can permit. Instead of this, the defect in the constitution against which I am contending, does, in practice, give to each the power of producing and re-producing one another.

The gentleman from New York (Mr. STORRS) inquires whether, when a President appoints his political friends, he pays, or when he appoints his political adversaries, he buys? I answer, he may do both, and yet neither pay nor buy. He asks, triumphantly, was Bayard bought?—was Poinsett bought? I answer, no, neither were bought. And further, Fox was not paid—Carnot was not bought; but Woolsey was paid, and Talleyrand was bought, (whenever the highest bidder presented himself.)

I refer to these, out of the thousand examples which history furnishes, to show, that, although friends and enemies may be appointed to office and power, without being paid or bought, yet, under different circumstances, men have been both paid and bought—“May we profit by their examples!”

Gentlemen attempt to divert our attention from the defects in the constitution, by expressing a reverence for its framers approaching to idolatry. Sir, to those who shared in the struggle for independence, and laid the deep foundations of our Government, I claim an equal participation in rendering the full tribute of regard which is due to mortal men. They gave us the charter of our liberty; they could not, Heaven did not, give us a charter of exemption from the weakness and the wickedness of human nature. No, sir, in the days of our fathers, the golden age of pristine purity—when, according to one gentleman on this floor, “the political little finger” of our statesmen could almost work miracles; and, according to another, the palest star in that firmament, outshone the whole galaxy of these degenerate

times—even then our country produced an Arnold! And who was Arnold? Some obscure, degraded, scape-gallows felon? No, sir, no: he was found in front of the foremost rank of patriots, with a wreath of glory on his brow, which the rough hand of time could not tear away—this man became a traitor!

In the first great contest for the Presidential chair, the second man in the nation aspired to be the first—he was disappointed, and became a traitor! In the soul-trying times of the last war, we witnessed a troubling of the waters—a whole convention was spawned, which, in the opinion of the Republicans of *that* day, were little better than traitors! It is to extraordinary times, and trying occasions, that we must look for extraordinary development of character; then it is that sterling worth, rare endowment, or unknown merit, is brought to light, or, being known, receives its confirmation; and then it is, that those who gained credit for what they never had, find themselves weighed and wanting.

But is it enough for us that we have had great and good ancestors? Not unless we are worthy of them, and worthy, too, of our own posterity: for in a little while, we, also, shall be ancestors. Then we shall be looked to for examples: and what bright examples—what improvements shall we furnish, fit for the imitation and praise of future times? Shall all the lights of science, of practical liberty, and experience, be lost on us? Is the debt which we owe to remain unbonded, unsecured?—for, we must not forget that we owe the same debt to our country, and those that shall come after us, that they did who have gone before—yes, a much larger debt: “for, where much is given, much will be required.”

Some future Cato may mourn over the long-lost liberties of his country; he may, indeed, despair of inspiring his degraded, enslaved countrymen, with the hardy virtues of freemen, by the blood-stirring notes of martial music, or by unfurling the star-spangled banner of their former fame; but his unconquered spirit will break forth in language like this—

“Is there not some chosen curse,  
Some hidden thunder in the stores of Heaven,  
Bed with uncommon wrath,  
To blast the man that owes his greatness  
To his country's ruin?”

Mr. LEOMPTRE said, in advocating the resolutions of his friend from South Carolina, he was met, at the very threshold, by gentlemen of very eminent abilities, who undertook to show, in forcible and impressive language, the danger inseparable from every attempt to touch the constitution. He did full justice, both to their talents and to their motives; he admired their candor, and did not doubt the sincerity of their veneration for the constitution. But, however great that veneration might be, and however well deserved, gentlemen ought to remember, that instrument has now been submitted to the test of forty years' experience, and, with what-

ever wisdom it might have been framed, (and none appreciated more fully than he, the talent or the patriotism of its framers,) it has been proved defective in one very important point. Would gentlemen deny that the people of the United States are possessed of sufficient virtue and sufficient intelligence to make a change in their constitution, when they find that any part of it is productive of evil? The wisdom of our fathers, their integrity, and their modesty, were too great to suffer them to cherish the intention that no change should ever be made in the instrument they produced. It seemed, indeed, to be the opinion of one gentleman, (Mr. EVERETT,) that we are not permitted even to attempt a change.

Turn, for a moment, to the arguments of the honorable gentleman from Massachusetts, (Mr. EVERETT.) That gentleman, if I understood him, maintains, that every attempt to amend the constitution, is a breach of our duty, and a violation of the oath we have taken to support the constitution; and that we have no right even to consider such a proposition. The constitution itself secures to us this right. What is its language, sir? [Here Mr. L. quoted the constitution, to show the power.] With language like this staring him in the face, will any gentleman say, we may not even consider a proposition to amend this instrument? Sir, we have no right to any privilege in the Government, if we have no right to alter the Government. It is the people's, and they may change it at will. The gentleman says he would sooner lay down his hand, and have it cut off, than hold it up in favor of any alteration of the constitution. But, I say, I would sooner lay down my hand, and have it cut off, than not hold it up in favor of alteration, whenever I am convinced that alteration is needed. The gentleman, too, tells us, that the President of the United States has no power, or none, at least, that is worth talking about. No power, sir! What says this instrument? [Here Mr. L. quoted the second article of the constitution.] Is this no power, sir—this no patronage? Sir, the President nominates almost every officer in the service of Government—and when did you ever hear of a nomination of his not being confirmed by the Senate? It is a rare occurrence. All his nominations are confirmed; and is this no power? Sir, it is the strongest of power.

The constitution, as it stands, makes no certain provision for the election of a President. It says, indeed, that if an election fails to be made by the Electoral College, that the House of Representatives may then elect from the three highest candidates. But it is not compulsory upon them to do so; and, if they should think proper not to make a President, there will be none. So, in like manner, the Senate has power to make a Vice President, but it is not compulsory upon them to do so; and, if the Senate should also decline, there will be no Vice President; and thus the Executive

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Department of the Government will be vacant; nor can it, in a constitutional manner, be filled. This certainly is a fact which ought at least to be taken into consideration.

I am well aware, sir, that it is a matter of very great delicacy, to advert, upon this floor, to the circumstances which preceded, and were immediately connected with the late Presidential election; yet I consider it proper and necessary to refer to some of them. It was very commonly observed, in our public prints, in the West, that the last two or three Presidents had been taken from the Cabinet. They had each been Secretary of State. This was considered likely to grow into a dangerous precedent. The people were alive to this subject—they felt this danger—they were desirous to avert it—and every exertion was made to bring an individual into the Presidential office immediately from the bosom of the people.

The great check on the abuse of power by the Executive, is his responsibility to those who elected him. He is elected by the House of Representatives; where then will his responsibility be directed? To the House of Representatives. And to whom is the responsibility of the House directed? To their constituents. But if, in the election of a President, they have betrayed their constituents, where is the remedy? There is none, sir. The people may complain, but their right of choice is gone. They may turn out their faithless servants, but a servant is left, whom they cannot turn out till his term expires. Judging from my own feelings, I should conclude that every free American, whose ambition prompts him to desire an office of trust and honor, would be too proud to consent to hold it without the will of the majority. Certain it is, that I would never take an office, however great or valuable, unless I believed it to be sanctioned by a fair majority of my fellow-citizens.

Great fear was expressed at the last election, lest a "military chieftain" should be made President; and it was assigned as a reason why the will of the people should be disregarded, that this "chieftain," if elected, might, by some means, (it never could be distinctly shown how,) bring the nation into war. Why should such fears be entertained? What reason can there be to indulge such apprehensions? Of one thing, Mr. Chairman, I feel very confident: if we had had "the military chieftain" for our President in 1814, this Capitol would not have been laid in ashes. After such a fact as this, sir, I hope the possession of some military skill—the sin of having fought for the country—will not be urged as an objection to an officer whom your constitution makes the commander-in-chief.

On motion of Mr. MITCHELL, of South Carolina, the committee then rose, and

The House adjourned.

WEDNESDAY, March 22.

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The House, on motion of Mr. McDUFFIE, again went into Committee of the Whole on the state of the Union, Mr. McLANE, of Delaware, in the chair, on the proposed amendment to the constitution.

Mr. MITCHELL, of South Carolina, would endeavor to show, first, that the plan of electing a President, proposed by his colleague, (Mr. McDUFFIE,) was not only more liable to abuse than the present system, but essentially impracticable. If his colleague objected to Congressional Caucuses, composed of distinguished persons, responsible to the people, and high in their confidence—whose operations are conducted with all the publicity and solemnity of Legislative proceeding—he will, if his resolution be adopted, expose the people to the machinations of desperate intriguers, without character, without cheek; whose insidious plots will be hatched and executed with the silence and concealment of treason. If he objects to the present system, because, by an arithmetical supposition, it may be made to appear that a minority may elect a President, against the will of the majority, (for no such case was alleged to have existed,) from the very nature and effect of his plan, smaller minorities will elect to that office persons unknown to the great body of the electors; without talent to suggest, without address to effect, or public confidence to sustain their measures. If, by the present plan, the constituted authorities are liable to be corrupted, by the proposed, the poison will be more widely diffused—it will be carried to the altar and the fireside—it will work into the blood and the heart of the country.

Mr. M. said, his second ground for opposing the amendment was, because the present organization of the electoral system was essentially calculated to concentrate public opinion on those who deserve public confidence—to elect men most distinguished for integrity and abilities. But, if it could be proven that it was not productive of this happy result; if it even failed every alternate time; still it was so essential to the sovereignty of the States, and their sovereignty so essential to the liberties of the people, that he would feel disposed to retain it.

Mr. M. said, it had been artfully contended, that, by the adoption of these amendments, the people would have more power in the election of President. The fact is not so. By the constitution, as it now stands, the people have a sovereign control over the election of their electors. They can elect them by general ticket, by districts, or by the Legislature. On the contrary, the plan of his colleague proposed to take from the people of the States this sovereign power—this unrestrained freedom in the mode of choosing their Chief Magistrate; and to say to them, you shall elect your electors by districts.

Mr. M. said, notwithstanding these convictions, he would not have trespassed on the committee if the amendment had not been proposed by one



of his colleagues, and he had no reason to believe that it was in express contradiction to the will of the people of South Carolina. The resolution to adopt the District System had been, for ten years, to his knowledge, before that people. It had been proposed by three different States, North Carolina, New Hampshire, and New Jersey, to three successive Legislatures, of which he was a member; and it had been either evaded, or positively rejected. Even at the last session, the amendments under discussion, he understood, had been recommended by the Governor, in his message, and, when called up, had been indefinitely postponed. This was the more remarkable, as the result of the last Presidential election had operated with unexpected severity on the feelings of the people.

Mr. M. said he would now recur to his position—that the plan of his colleague to elect a President was impracticable; that, by it, no election could be effected. What does he propose to do? In the first place, he strips the House of Representatives, and the State Legislatures, of all agency in the election. He says to them, “you are not trustworthy; you are corruptible; you may be tampered with.” Caucuses, of all sorts, are proscribed. He then divides the United States into two hundred and sixty-one districts, like the squares of a checker-board; each district is to elect an elector, and these electors are to meet, on the same day, in the capitals of their States, to vote for a President: the electors of Maine at Portland; of Georgia, at Milledgeville; of Missouri, at St. Louis; and of New York, at Albany. How can an election be effected in this way? How can a majority be united in favor of any one candidate, by electors at such vast distances, without the possibility of concert or without the operation of an intervening body, by which their views might be previously collected, digested, and ascertained? What is an election? It is the common will, arising out of the common understanding of the electors. How is this effected? By communication of ideas, by interchange of views, by compromise of interests, by concession of feelings. You must bring the electors, somehow or other, in contact. By way of illustration, suppose each of us, on our arrival at Washington, at the commencement of the session, had been confined to his chamber, without the possibility of communication, and directed, with a list of the members in our hands, and a full knowledge of their characters, to vote for a Speaker—how long would it be before a majority of us would unite in favor of one individual? Not until doomsday. But let us assemble here as usual, and how quickly is the election effected. At the first ballot there would be three or four candidates; the highest on the list might have a very small minority of the whole; at every successive balloting, he, or some other, would receive an accession of strength, from the falling in of those who were at first averse to him. Notwithstanding this, his ultimate success would be acquiesced in by

all, and the business of the people would move on with its usual celerity and advantage. Now, this is the effect of deliberation, of various and painful calculations of hope and disappointment, of concession and equivalents, among the electors. A Presidential election cannot otherwise be conducted.

Mr. M. said, that it may be objected, that our electoral colleges have always voted in this manner in their respective capitals, and that they have found no difficulty in electing a President. True; but this has been owing to the intervention of the House of Representatives. The people of the States have been brought into contact by the deliberations at Washington. The merits of conspicuous men were there discussed; their claims to public confidence compared; the political principles, interests, and prejudices, of the different sections ascertained and reconciled, and the candidates selected, and recommended to the qualified voters of the States. Congress did that which it was the constitutional duty of the electoral colleges to have done, but which they were unable to do from their distance from each other. This election has been hitherto effected by Congress and the people of the States. The electoral colleges have done nothing more than write the votes of the people, and transmit them to Washington. The Congressional caucus did not arise from the spirit of intrigue, but from necessity. Had the constitution assembled the electors of the States, and formed them into one body, the election would have been effected by them, and a Congressional caucus would never have existed. But it is equally clear, that, without this assemblage of the electoral colleges, or the intervention of some general representative body, to educe, direct, and concentrate public opinion, that the people, scattered over this immense country, ignorant of each other's views and interests, and having, each, views and interests of their own, liable to the impositions of a venal press, and to the arts of ambitious demagogues, will never harmonize so as to effect an election. The direct effect of the amendments will be to engender, in every part of the Union, knots of intriguers, who will divide and distract the people, and embitter their feelings, and who, being irresponsible, will not care by what means they effect their ends.

The design of the constitution evidently was, that the President should be chosen by the people of the States, in their collective capacities, as distinct independent communities; that the principle of representation was to be observed in the conduct of this election—the people to vote for electors chosen from themselves, in proportion to their numbers, who were to choose a President; and on failure of the electors to elect, the States to decide in their sovereign equal character. Here is no splitting of communities—no warring of minorities against majorities—no corrupt and unnatural alliances between the districts of one

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State and those of another, to defeat the will of their respective societies. The choice of electors is, like a law of the State, the will of the majority, which the minority adopt, and make their own. If the electors of the States had formed one body, not only would no Congressional caucus have ever existed, but it would not, once in a century, have ever been referred to the States in the House of Representatives. The real political question is, cannot the people elect their President by representatives? If they can make laws here and at home—if they can do, what is still more important, change their constitution of Government, by representatives, why can they not choose their President by representatives? for what are electors but representatives, chosen, like them, by the people, from among themselves? Of necessity this must be done: *the omnipotent laws of space and mind require it*. If you make it popular, or by districts, you will never effect an election, or it will be inevitably effected by self-created representatives, caucuses, politicians, or what you please to call them.

Mr. M. said, the inevitable result of the proposed change is not only to multiply candidates, but to bring forward candidates of a different class or order. Instead of having the great men of the Confederacy, you would have the great men of the State. The temptation would be irresistible to ambitious, intriguing men, who had not the public confidence, and who were inexperienced in State affairs. A popular man having the influence of a State, and knowing that a few additional votes from each of the adjoining States would give him a plurality among his competitors, and thus enable him to appear before the people of the United States as a candidate for the Presidency, would immediately set to work. He would resort to the vilest arts of intrigue to accomplish his purpose. To the leading men he would hold out the allurements of office; with another class, he would employ the grossest means of venality and corruption. He would address himself directly to the passions. State pride, sectional interest, would operate in his favor. He would have infinitely the advantage of a man at a distance, whose great services and tried virtue would not be known to the great mass, or if known at all, would only be felt by their reason. I venture to say that ten or twelve candidates, with their attendants and dependents, their herds of petty officers scattered through the towns, the cities, and the country, &c., &c., would throw the whole Union into a state of most vicious fermentation. Bribery, perjury, tumultuous disturbances, drunken and gluttonous excesses such as we have seen take place in our Congressional elections, in the large cities, would profane the exercise of a right—the proudest right of a freeman—which should only be exercised with the purest and best feelings. Take an example. A small minority of twenty-five or thirty electoral votes, gives Mr. A., of Illinois, and Mr.

B., of South Carolina, pluralities, and according to the system of the gentleman, the Senate will have to present them to the people of the States, who are to choose one of them as President, by a vote in mass. What would the good citizens of Boston say? Why, I never heard of either of these candidates in my life—am I compelled to vote for a man of whom I know nothing? He would inquire of his member of Congress, who would be unable to inform him. He would then resort to the editor of his newspaper. Mr. Editor would know all about Mr. A., of Illinois. He had seen a biographical sketch of him in the New York Evening Post, taken from the Pittsburgh Recorder, extracted from the Star of Cincinnati, direct from the Herald of Illinois, where the candidate lived, which proved that Mr. A. was one of the wisest and best of men. And, for fifty dollars, these independent and patriotic editors would impose on the people of the United States Grattan's character of the elder Pitt, as a suitable picture of the virtues and talents of Mr. A., of Illinois, who might be at heart a shallow, intriguing fellow, who, by the basest arts of corruption, had cajoled the electors of his own and the neighboring States to give him their votes as President. Could you prevail on the people of the United States to vote for him? Would you be able to rally a majority in his favor? Would the people of the States rush to the polls and struggle to lift A. of Illinois, or B. of South Carolina, to the proud pre-eminence? But admit Mr. A. should be elected. What a spectacle! The Chief Magistrate of a Confederacy of twenty-four sovereign States leaves his retirement on the Wabash for the capital of the United States. Where are the breathless crowds—the triumphal arches—the military displays—the files of village youths and maids strewing his path with flowers, and freighting the air with gladsome peans! Where the bursting acclamations, which speak a nation's joy at the promotion of a man to the chief magistracy who had become sacred in their eyes by a life of spotless integrity, of inflexible firmness, a virtuous, useful laborer in their service? His arrival at Washington is announced. Does it inspire universal confidence? Does it calm anxiety? Does it harmonize the distractions of party? He has now to choose his Cabinet. Is he capable of selecting those whose firmness, sagacity, and resource, would assist him in his difficulties? What would be his embarrassments! Ignorant of our foreign affairs—of the finances—of the organization of the army and navy—he would, at every step, have to consult treaties, statutes, reports, files of manuscript letters, clerks, sub-clerks, and the very menials of the Departments.

But, said Mr. M., why are not candidates of this sort now brought forward—electors meet in the several States, and are liable to be operated on? He would answer, on account of the agency which the State Legislatures and House of Representatives have in the election. It is because the framers of the constitution avoided

the principle, which the gentleman proposes to introduce, of vesting the election solely in the qualified voters—because, to complete the act of election, all branches of the Government must co-operate—each acts and is acted on—each controls and is controlled. The State Legislatures have their check, in directing the mode of appointing electors—the House of Representatives its check, in the ultimate decision; both are responsible to the qualified voters for the faithful exercise of their powers. The candidate must present himself to each in turn. Address on his part, and facility on theirs, may gain over a sufficient number of the qualified voters. State pride and sectional interest may overcome the election of contiguous Legislatures; but, when he has gone so far, his work is not yet done. He then has to pass the inspection of the House of Representatives of the United States—a tribunal proud, jealous, and intellectual, which, if subdued at all, must be subdued by main strength. His pretensions are there examined—analyzed with the heartlessness of anatomical dissection—compared, not with the merit of those who move in his limited sphere at home, but with that of men from every part of the Union, fit for the most complicated affairs, and struggling in a career of arduous competition. It is this organization which compels the citizen to ascend by the ordinary steps; to go through the preparatory initiations.

But what has been the operation of this system? Our Government has existed for thirty-eight years. We have had ten Presidential elections—two of them decided by the House of Representatives, and six different Presidents. The gentleman admits that five of these have been the choice of the people, and the very best men of the Confederacy; and a very large portion of the Union will say that the sixth is not unworthy of his exalted station. Is not this conceding every thing? Can a stronger argument be advanced? Does he appeal to experience? Is it not in our favor? What does he oppose to it? Theory! speculation! suppositional cases! hypothetical reasoning! The elections have been exposed to all the abuses which he dreads: combinations of the large States—usurpations of the Legislatures—suppression of minorities by majorities—defeats of majorities by minorities—caucuses—political managers—patronage of the President—corruptibility of the Representatives. And yet, in five instances out of six, he tells us, the people have chosen, and chosen the best men of the Confederacy. What is this but saying that the organization of the electoral system is such as to concentrate the will of the people on those who deserve their confidence? And has our ship, during this period of thirty-six years, coursed over a summer sea? What vicissitudes? War! Peace! the transition from political weakness to political strength! Faction dividing the Union, and exciting the fiercest and most implacable passions! The downfall of one party and the rise of another. The expansion of the Confederacy

from the Lakes to the Gulf of Mexico—from the Alleghany to the Western boundary of Missouri!

Mr. M. said, that his colleague was led into error from the political view which he took of the people of this country. He appeared to consider us as having originally been one nation—that we were afterwards divided into States—that the State Governments grew out of, and are subordinate to, the Confederate Government, and that every approach towards nationality is an approaching of the people of the States to their natural and perfect condition. He denied this to be the case. This Government at Washington is nothing more than an excrescence of the sovereign power of the people of the States—a mere Confederacy—created as such, and intended to be created as such; and where it differs in its action from Governments of that kind, it is only that it may be more efficient as a Confederacy—a thing of necessity—of bargain and sale between the people of the States, in which each tried to obtain the best terms they could; and which were examined and re-examined, modified and re-modified, turned and twisted, and finally expressed, with the cautious, critical, distrusting precision of an English conveyancer.

Must not this be his principle, when he advocates a theory which takes from the people of the States, as such, the power and agency which they have in the Executive branch of this Government; which goes to destroy the responsibility of that great officer to the people of the States, by making his election depend, not on them, but on the people of the nation; which goes to turn his eye from the few to the many—from the weak to the strong? The people of South Carolina have a positive political power in the election of President, which creates his responsibility to them—of power based on fixed principles—of power as certain as arithmetical relations can make it—of power as distinct and as distinguishable as the Savannah River, which divides them from Georgia; and I hope in God that I may never live to see the day when they consent to give it up.

This power should be exercised by the States. The constitution has said so. "Each State shall appoint electors in such manner as the Legislature may direct." How can a State appoint? Only in two ways—it has but two organs of will and action, the Legislature and the people. A State is a body politic, (see Vattel,) which can act only by its Government or citizens. It is like an aggregate corporation—a bank, which must act by its stockholders, or its Board of President and Directors. The right to such a President is a great sovereign right, which should be exerted according to the will of the majority, in whom the exercise of the sovereignty is. Hence the absurdity of the District System, which divides and apports it, and makes the spring of its exercise personal feeling. The majority of the people governs the whole State, makes laws for it, directs its internal and external policy, and, of course,

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ought to say who shall be that magistrate whose power most affects these interesting relations.

According to the theory of our constitution, as explained by the Federalist, the States, and the people of the States, are represented in the Executive Government by this organization of the electoral system; as the States and the people of the States are represented in the Legislature by the Senate and House of Representatives. I agree entirely with the gentleman from Massachusetts, (Mr. EVERETT,) that we have no right to amend, by destroying a great radical power of the States. The position startled me at first, as it startled all of us; but I see by the prints that it is gaining ground. It is a wise and profound principle. It is worth all the splendid and most enviable reputation of the gentleman. And who would desire to take from the people of the States this sovereign right; who would desire to see the power of Governments diminished, so necessary to the existence of this Government, and to the protection of our liberties? Suppose the worst—the most humiliating of all disasters, which might have taken effect during the late war; that an enemy's fleet should sail up the river Potomac, and surprise and take all the functionaries of this Government, Executive, Legislative, and Judicial. Suppose they should station a military force here in our Capitol, and rear a foreign standard on its dome. This would effect no revolution. The States possess a redeeming energy, by which the National Government would be revived, in all its vigor and integrity. Each Governor would assemble his Legislature, and provide for the national calamity. Things would go on as usual. Forces would be raised, taxes imposed, justice administered, property and liberty protected, and, by an understanding among the States, an election for the functionaries of this Government would be had. No anarchy, no change in the distribution of sovereign power. In like manner, conquest would be impossible. The desolation and capture of one State would only present to the victorious foe a phalanx of sovereigns supporting each other, and ready and eager for resistance. But the existence and power of these Governments are equally necessary to the protection of our liberties. What restrains this Legislature within its orbit? What prevents the enactment and enforcement of laws violating our liberties? The Federal Court! The Supreme Court! That creature of the Executive—that dependent on the Legislature—that co-ordinate of both, having all their sympathies, their hopes, their anxieties! They restrain the encroachments of the other branches. Those seven or eight feeble old men restrain this Government, commanding the resources of this immense Confederacy, and able, at any moment, to deprive them of power by impeachment, or, by doubling their duty, to force them out of office! No, sir; it is State power which restrains us—it is Virginia, Pennsylvania, Massachusetts, &c., which restrains us. It is this power which re-

pealed the alien and sedition laws; which annihilated the system of bankruptcy; the former invading the liberty of the freeman, the latter poisoning his morality. I am prepared to say more, sir, but I am exhausted, and will trouble you no more.

Mr. MITCHELL, of Tennessee, said, that he considered the question as one of the greatest consequence to the people of the United States. Persons of all parties and political persuasions were looking up with great anxiety to the decision of this House, and, though much time had been spent in the discussion of this measure, it was nothing more than what was expected by the people. Those who entertained a favorable hope that an amendment of some kind would be proposed to them, as well as those who are opposed to any alteration whatever, have, and do expect this subject to undergo the most thorough investigation and unwearied attention. Mr. M. said he did not deem it so much a matter of importance how gentlemen differed on the great question now under discussion, as that the true grounds on which they differ should be made known and candidly examined. It is peculiarly incumbent on us to bring to this examination those expanded and liberal views that mark the mind of the true statesman.

I do not rise, sir, said Mr. M., under the influence of any idle presumption, that I shall transcend those who have preceded me, or with a desire to show with what facility I can triumph over an adversary. If I shall be able to show clearly that the argument of the gentleman from New York, who first addressed the committee, (Mr. STORER,) is not invulnerable, I think I shall have done a great deal. That argument, sir, may be viewed as the basis upon which all the subsequent arguments of those who are opposed to the resolutions of the gentleman from South Carolina, were founded. And, in answering that argument, an answer would be given to all the material features of the other arguments on the same side. But, said Mr. M., before I enter upon an examination of the argument of the gentleman from New York, I must be permitted to bestow a short notice upon the argument of the gentleman from South Carolina, (Mr. MITCHELL,) who has just taken his seat. He would not attempt to follow that gentleman in his meandering course; that would, indeed, be a wild-goose chase; nor would he, in the course of his remarks, attempt to follow the gentleman from Massachusetts, (Mr. EVERETT.) Mr. M. said, while the gentleman was speaking I was amused, I was delighted; his speech had the same effect upon me, that a well-strung musical instrument would have in the hands of a masterly performer. My feelings joined in the unison of sound; but when the fingers were removed from the vibratory string, the music died upon my ear; no impression was left upon my undisturbed mind; no idea advanced made its impress; it was "like the music of Carrol along the hills of Sili-mora; it was pleasant, but mournful to the

soul." While it continued, it reached the ear with melody, but when the sound was gone, the substance was lost.

The gentleman, in effect, emphatically tells us that we must not attempt to improve by experience in the march of time. If this be true, all your institutions for education; all your common schools, where the first rudiments of an education are given; all your academies, where the foundation of science is laid; your numerous colleges and universities, where the mind is enriched with science and literature, and taught to expand itself by the dictates of wisdom—these are all of no use or value, and in vain we attempt to climb to the cupola of science and virtue, if the human mind is not to be improved by the march of time. We are told by the gentleman from Massachusetts that our ancestors possessed intelligence in a greater extent, and much more eminent degree, than ourselves. If so, away with all your seminaries; they have proved unprofitable. Appropriate no more school funds, locate no more school lands; they will bring you no return. Cease all your attempts to light up the lamp of knowledge; its dim light will but obscure and mislead. The argument was still more extraordinary, as coming from one who had studied antiquity in books, and subsequently had enjoyed the advantage of testing the accuracy of the knowledge he had thus acquired, by ocular demonstration.

Mr. M. said he would beg leave to notice an observation made by another gentleman from New York, (Mr. Wood,) who had last spoken. That if he had rightly understood his language, he had said that there was a theoretical error in our Government, and experience may prove it to be so in practice. That the Senate had too much control over the Executive, which might occasion collision between them; that the Executive possesses only the power of nominating foreign Ministers, and the Senate the power to reject; that the Senate ought not to possess any greater power over ambassadors, than to recall them, two-thirds of the Senate concurring; this would be in accordance with Vattel, with which the gentleman did not concur in its whole extent.

If the gentleman held that doctrine, it is not only federal, but ultra federal, and such as had not been heard in this country since the dark days of '98. Sir, let this doctrine be tolerated, and it will not be necessary that the constitution should give the President the power; it will only be necessary that he should will it; a mere *sic volo* will only be necessary for the exercise of it.

[Here Mr. Wood rose to explain; and said that he did not himself hold that doctrine; that he was only giving it as the sentiments of Vattel.]

Mr. Chairman, said Mr. M., the Executive has already as much power given to him as any friend of his country would wish him to possess. Has he not the power of nominating

every officer of the Government? and is not this, in effect, the power of appointing? All that the Senate can do is to reject the nomination; but the whole act is that of the President; and, unless the Senate has strong reasons which forbid their consent, the appointment is made, and it is made by the President alone.

Sir, I will agree that the framers of the constitution were wise: but I cannot agree with the gentleman from Virginia, (Mr. ARCHER,) that they were possessed of inspiration. They were men, sir, who could listen with patience to the thoughts of each other. They could give and take, to arrive at an agreement. If they could not get all that they wished adopted, they were willing to take a part, and to agree to a compromise of powers; and they were what we ought to be, too mild and too intelligent each pertinaciously to adhere to his own opinion; and they could yield the minor for the major proposition; they were great, because they were good; they were calm, dispassionate, reflecting—not pursuing the course of your county court lawyers, only anxious to show with what facility they could put down an adversary in argument. They spoke from the heart, and their language reached the heart; their speeches were not mechanically prepared in the closet, and brought out, and vended in market. But, great and good as these men were, they were but mere men; they partook of the common frailty of our race, and were highly sensible of it; they did not set themselves up as models of infallible wisdom; they were conscious of the imperfection of their own production, and recorded that consciousness in the fifth section of that instrument, by ingrafting a clause for its own amendment; they knew, that, as time rolled on, the circumstances and the capacity of the country would be changed—and they have changed. They never dreamed of compiling a constitution to suit all times and all circumstances; and the fallibility of that great assembly is clearly evinced by the numerous amendments which have already been introduced and adopted as part of that constitution. Twelve or thirteen amendments were made almost as soon as that instrument was completed, and which are not less to be admired than any other clause of that excellent instrument. Yet the gentleman asks how we can lay our sacrilegious hands upon an instrument so perfect? The constitution itself furnishes him an answer; and the very words of the amendatory clause give a positive refutation to all that part of his speech. The gentleman tells us, that none must attempt this task but those who are already sages. And, sir, how are we to become sages? Is it on this floor? No, sir; it is by studying in our closets, and in our offices at home; it is by turning over the volumes of antiquity, and by sailing back the stream of time to the days of Solon and Lycurgus; by living contemporaneously with the worthies of antiquity; imitating their morals, and adopting their philosophy; improving

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by their virtues and profiting from their errors.

When, sir, you are in pursuit of the federative principle, you must look to the Senate branch of the National Legislature. Sir, it is there that the States, as separate and independent sovereignties, act upon the federative principle. I will not, sir, take your State to illustrate my views upon this subject; I will not hackney poor little Delaware to death, as most have done who have preceded me; I will take Rhode Island, *conspicuous for its talents*, for my example, to show the operation of this federative principle. It is, sir, in the Senate branch of the National Legislature, where that State stands upon a footing of equality with the great States of New York, Pennsylvania, and Virginia. It is there that the States are represented in fact, and in deed—the Senators of each State being the Representatives of the State, in its aggregate and Sovereign capacity—being elected, and brought into political existence, by the only and proper organ of the State, the Legislature thereof. This assembly of the States of equal representation, was wisely formed to prevent the encroachment of the large States upon the interests of the small States, and for the protection of the equal rights of both. But it is obvious that the popular feature was intended to be preserved in the organization of this House. The number of Representatives from each State depended upon the ratio of population: one only being allowed to every 30,000 inhabitants: so here the popular principle is lodged, as the federal is in the Senate.

The gentleman from New York says, the little States will never agree to any such amendment; that it would be taking from them their sovereign equality, without giving an equivalent; and, in the next breath, he says, that the district system would fritter away the large States, and take from them the power of preserving their weight and importance in the Union, and thereby deprive them from presenting an undivided phalanx, in a Presidential election. The resolutions, sir, on your table are, in general terms, pointing out the broad features of an amendment, containing only the principle, without being entangled in the minutiae. But the arguments are used as if they were to assume no other shape, which is quite deceptive. How, I would ask, can the small States lose any thing by the proposed amendments? What do the small States now possess that they would lose by the proposed change? Nothing, sir, but what was thought by the convention that framed this constitution, a mere possibility—that is, of being placed upon a footing of equality with the large States, in the election of the last resort in this House: for, in the first instance, they can only be felt according to the gravity of their population, and therefore possess no more power at present than is proposed by the amendment.

But it is said that the district system will tend to a consolidation of the States. A decla-

ration of this kind, to me, is puerile and idle in the extreme. Will not the State Legislatures exist, as they have heretofore done, and as they now do? Will they not possess the same legislative powers in the enactment of laws? Will not each State have its own Executive and its own Judiciary? Will they not possess the same plenary powers in their municipal regulations? Is any right they ought to possess taken from the States? Do they lose, as gentlemen suppose, all power, when their Legislatures are permitted no longer to *direct themselves to appoint electors*? I answer, no. It would seem that gentlemen imagined that all the intrinsic power of State rights were involved in the mere act of appointing electors. There is nothing, in these arguments, sir; they are mere vanity and vexation of spirit: the more they are probed, the more will their fallacy be exposed. The States will be what they now are—their fundamental law the same; they will possess the same sovereignty, and the people more freedom: their Legislatures will still be their proper sovereign organs, possessing all their legitimate functions. But, I will admit, sir, that they will no longer possess the power to wield a mass of party machinery, to prostrate the wishes of the people, for the purpose of promoting or defeating a particular Presidential candidate.

I will now, Mr. Chairman, turn my attention to another argument of the gentleman from New York, (Mr. STORRS.) That gentleman said that if the mover of the amendment was sincere in his wishes for an equal district system, he must give up his argument, or go one step farther, and put the free voters in all the States on a footing of equality, and abolish the provision in the constitution, which puts the three-fifths of the black population into the Southern scale. Sir, is it not strange, passing strange, indeed, that no topic of debate can arise in this House, let it come from where it may, or relate to what it will, but our negroes must be hauled into the question, and made a black hook for gentlemen to hang upon? Why, sir, I would ask, is this argument used—is it by way of reflection? We of the Southern States are not to blame in this matter; the evil was in the country before we were born; it was co-extensive with the Colonial system that peopled this country; the evil was entailed upon us by our fathers—by the cruel and relentless acts of the mother country. We are not, we cannot be, responsible for its existence. But I will tell you, sir, who is responsible for its continuance from the date of the convention, to the year 1808. The framers of this transcendent, this immaculate constitution, which gentlemen have found so faultless in all its parts, are the persons who are to be blamed; yes, sir, greatly blamed, because they might have brought the importation of these unhappy beings to an end at the time the constitution was adopted; but instead thereof, they inserted a provision which authorized its continuance to the year 1808.

A gentleman from Rhode Island (Mr. PEARSON) has gone into a calculation, to show that those poor slaves have twenty-five Representatives upon this floor. I will not say that I am opposed to all arithmetical politicians; but I will say, that I vibrate to the fact that they are represented here, and I rejoice that they are; their unhappy situation entitles them to our personal sympathies and our legislative protection; and if that gentleman does not feel this sentiment toward them as his fellow-beings of the same great family, he has denied the faith and is worse than an infidel.

I have already attempted to show that a caucus is the creature of a faction, and that it cannot exist among the people generally. Sir, I live in a State where the district system prevails. I know nothing of those local caucuses of which the gentleman has spoken. I know nothing of those dark and mysterious midnight conclaves that dread the light of Heaven. I have never been in one of them in my life, nor do I think they are needed, nor can they naturally follow the adoption of a district system.

The gentleman from South Carolina (Mr. MITCHELL) says, that a caucus at this place is indispensably necessary for collecting and uniting the public will; and he makes this House a vast luminary, and we, as its diverging rays, are to dispense its sublime light to the periphery of this extended Government. I have said already, sir, that the great body of the people cannot be corrupted. They therefore need not gather themselves together into secret meetings, to form secret plans and secret designs. They have no designs but those of self-preservation, and the general good of all. They possess the proper intelligence, and are endowed with a proper temper, to choose a President for themselves. A President thus elected will be armed with the great sword of their will.

I am of lawful age, sir, and for my life I never have been enabled to see the mighty difference between a caucus at this place, and elsewhere. I am myself opposed to a caucus here, to one at Albany, or anywhere else. But certain I am, that the caucus here cannot be darker, more deadly, or demon-like, than some of those which must necessarily attend upon a general ticket system. Think for a moment, sir, of a caucus of some twenty or thirty in the State of New York, dictating to her two millions of population, (I believe I exaggerate, it is not quite so many—about 1,600,000,) and, sir, if a caucus full grown is so odious and so detestable, a caucus in infancy can be no better. A little rogue is as bad as a great rogue, whether he steals a penknife, or a Presidential chair: *ergo*, let us have caucuses nowhere. Put them down, sir; let us have an end of these midnight cabals, this plotting and contriving, this patent machinery to bring a man into power, and to destroy the people's will. I know, Mr. Chairman, that the caucus here was established in the first instance by some of the most able, and most honorable Republicans of the country, and for the most

wise and virtuous purpose, and those caucuses were attended by some of as intelligent and patriotic men as ever adorned this Hall. But still, sir, that does not prove the caucus system to be right. Nor is it here, sir, where all the wise and virtuous assemble. But the gentleman from South Carolina (Mr. MITCHELL) justifies it upon a strange ground, indeed; as the only proper means of communicating to the people the character and qualifications of the person for whom they should vote; and this declaration is predicated on the idea that no man is fit to be the Chief Magistrate of this Government until he shall have served an apprenticeship more laborious than that of the gentleman from New York, within these spacious walls, and to have passed through the regular grades of the departments, until he shall have climbed to the cupola of power. I have already attempted to show that this is neither the centre nor the source of intelligence; and that there are men more intelligent, and far more virtuous, within the unambitious and private walks of domestic tranquillity—thousands of whom are much better acquainted with the biographic history of the great men of the Government than the best informed among us; therefore we possess not the power of communicating to them those rays of light.

Sir, you may talk to me as long as you will about the incorruptibility of this House, and I shall not believe a word of it. Sir, I have no objection to the President's having the appointing power—I think he ought to possess it. I would not curtail his patronage at all: I wish to give it another and a proper direction. Let it be as extensive as you please, only keep its allurements without these walls, and from our sister the Senate. Will giving to the President's patronage this direction, place him in the situation described by the gentleman from New York, that the "very pettiest German Prince might look down upon him with contempt?" No, sir, he would possess all the power he ought to possess. Then, sir, our seats will be worth the having: then, sir, the people will believe that some spark of patriotism occasions us to occupy them. But, sir, when our only object in coming here, is in pursuit of some dazzling office, our seats, if not quite worthless, lose at least half their value. Sir, we cannot occupy a more pre-eminent station than a seat in the House of the people. I consider myself as now occupying the most important office within the gift of the people. The gentlemen whose names I have so often enumerated, seem to think it against morality and religion, and that it would have a tendency to reduce us to a savage state, to suppose for a moment that we could be purchased or bribed, by any means whatever. And the gentleman from New York, with great triumph, asks: Was Bayard bought? Was Poinsett bought? I answer, no, sir! But the people said, that, when they took their appointments, they had deserted their place and their duty. The gentleman asked, with great em-

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*Amendment of the Constitution.*

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phasia, was Bayard bought? Was Poinsett bought? He paused, with a kind of self-complacency. Why did he not add another name? Why did he not go through the catalogue of exalted appointments? Why did he not ask, with equal triumph, was Clay bought? Did he mean to leave on the minds of the members of this House, by his deadly silence, the idea that Clay was bought? One would be naturally led to think so, by his stopping short where he did. Sir, he who is brave till the enemy appears—until he is brought in view of point-blank danger, and then cowers and flies, has a bravery that is not worth a bawbee.

Mr. Chairman, I now, in conclusion, say, that the people ought to vote for President without the interposition of electors; that all the States of the Union should be laid off into districts; that the districts of a State should contain an equal ratio of population, as near as may be; and that the majority of each district should count as one vote; and, in the event that no one should get a majority of the whole number of the votes given in these electoral colleges, send back the two highest on the list of candidates to the people, and let them vote directly for the man of their choice. But I will candidly say, that, so that the election is taken from this House, I shall not have any very great feeling as to the preference to be given to the district over the general ticket system: or in what way you shall determine the election in the last resort, so that it is taken from this House and given to the people. I call upon you to relieve this House from all temptation, to place each and every member in a situation that they can look with an impartial eye at all administrations, and all their Executive acts. Take the election from this House, and all this will be effected. Sir, give me a riddance of this evil, and I will give you all your powers.

The committee then rose, on the motion of Mr. BARBOUR, of Va., and the House adjourned.

THURSDAY, March 28.

*Western Armory.*

Mr. JAMES JOHNSON, of Kentucky, offered the following:

*Resolved*, That the Committee on Military Affairs be instructed to report a bill, authorizing the Secretary of War to appoint three Commissioners to survey and examine the Horse Shoe Bend, upon Licking River, in the county of Pendleton, in the State of Kentucky; and if, upon such survey and examination, the same shall be found suitable, to authorize the President of the United States to cause to be erected, at the Horse Shoe Bend aforesaid, a National armory, similar to those already erected at Springfield and Harper's Ferry.

In support of this resolution, Mr. JOHNSON went into a course of argument, which continued until the hour allotted to the consideration of reports and resolutions had expired; when

The Speaker interposed, and requested the

gentleman to defer the remainder of his remarks till to-morrow.

*Amendment of the Constitution.*

The House then resolved itself into a Committee of the Whole on the state of the Union, on the amendment to the constitution, proposed by Mr. McDUFFIE; when, Mr. BARBOUR, who had the floor, being absent,

Mr. WEEMS addressed the committee.

Much time has been spent, sir, and a great many words used by different gentlemen who have gone before me, to show the true meaning of the word State, as used in the constitution, in relation to this subject; I intend not to follow over the same track, but will satisfy myself with observing, that I care not whether it means the geographical limits or boundary lines of each sovereignty, or whether it means the Legislatures of each—it reverts back to the same thing. If gentlemen please to have it so, let us say it means the first, the boundaries of territory; why, sir, all that would have been nothing but wild waste land, but for those who inhabit within those geographical limits: therefore, in this sense, it means the people. If you please to say it is the Legislatures here meant, be it so. It means the people; because, the Legislatures are the people in their Representative delegated character.

Let us look at the result of the general ticket system—and, I must be excused for going a little more into detail than might be exactly necessary here, although I have known men, sir, possessing as much good sense as most of us, perhaps more, that did not understand the effect of this system. We will take New York, sir, if you please, where there are thirty-six districts, consequently thirty-six electors to be elected. How is this to be done? Why, in each district the voters are to vote for the whole thirty-six electors, thirty-five of whom, perhaps, not a man of them ever saw or knew. How are they to be got to vote for them? By only one possible mode—that is, a central power, or body of men, who, as the gentlemen have agreed, must exist and be looked to as the dictators, to fix on the thirty-six candidates. Well, sir, we find them elected, and they do every thing but what was desirable, and they return home; and as the people in each district see the one of the thirty-six who was taken from that district, and begin to condemn him for what was done, he replies, Why, don't blame me: it was not my fault: the other thirty-five that you voted for, and elected, could not be induced to do as I wished, and what could I do? Thus, each one excuses himself at home, and continues to rest secure on the power of those dictators, whose will has been his law, against his oath, and against his country's freedom.

Sir, before I sit down, let me call the attention of Mr. Adams's warmest friends, if they would really be found, by their actions, willing to render him a service, and all who may here-



after be placed in a situation similar to the one he was in—which, to believe him sincere, (and who will doubt that?) must have been almost intolerable to such a man. On the 9th of February, 1825, Congress appointed a committee of three gentlemen, to wait on Mr. Adams, and acquaint him that he was elected, by Congress, the President of the United States; and, on the next day, the 10th of February, as the Journal of that session shows, Mr. Adams returned an answer, an extract of which I will read. "Gentlemen: In receiving this testimonial from the Representatives of the people and States of this Union, I am deeply sensible to the circumstances under which it has been given. All my predecessors in the high station to which the favor of the House now calls me, have been honored with majorities of electoral voices in their primary colleges. It has been my fortune to be by the division of sentiment prevailing among our countrymen on this occasion, in competition, friendly and honorable, with three of my fellow-citizens, all justly enjoying, in eminent degrees, the public favor, and of whose worth, talents, and services, no one entertains a higher and more respectful sense than myself. The names of two of them were, in the fulfilment of the provisions of the constitution, presented to the election of the House, in concurrence with my own—names closely associated with the glory of the nation, and one of them further recommended by a larger majority of the primary electoral suffrages than mine. In this state of things, could my refusal to accept the trust thus delegated to me give an immediate opportunity to the people to form and to express, with a nearer approach to unanimity, the object of their preference, I should not hesitate to decline the acceptance of this eminent charge, and to submit the decision of this momentous question again to their determination. But the constitution itself has not so disposed of the contingency which would arise in event of my refusal. I shall therefore repair to the post assigned me," &c. Who, after this, among the President's friends, can oppose the resolutions? They, in fact, ought to have been the very men to have offered them. Mr. Chairman, the gentleman from Virginia, who had obtained the floor yesterday, (for to-day,) having now made his appearance in the House, I will, after returning my thanks to this honorable committee, for their polite attention to the few desultory remarks which I have offered, in my own, farmer-like, crude style, give the floor to that honorable member.

Mr. WEXMS was followed by Mr. BARBOUR, of Virginia, on the same side, who spoke till half past 2 o'clock, when, complaining of exhaustion, he consented to yield the floor, with the understanding that he would complete his speech on another day. Several gentlemen then rose to speak, but on motion, the committee rose, and had leave to sit again.

FRIDAY, March 24.

*Armory on the Western Waters.*

The resolution offered yesterday by Mr. JAMES JOHNSON, of Kentucky, relative to a survey for a national armory, was taken up; when

Mr. JOHNSON resumed, and concluded, the remarks in which he was proceeding yesterday when the orders of the day were called.

SATURDAY, March 25.

*Panama Mission.*

Mr. McLANE, from the Committee of Ways and Means, reported a bill "making appropriations for carrying into effect the appointment of a mission at the Congress of Panama;" which was twice read and committed to a Committee of the Whole on the state of the Union.

Mr. CROWNINGSHIELD, from the Committee on Foreign Relations, made a report on the message of the President of the United States, of the 15th inst., in relation to the invitations given to the United States, from the Republics of Colombia, Central America, and Mexico, to be represented at the Congress about to be held at Panama.

The report concludes with a recommendation to adopt the following resolution:

"Resolved, That, in the opinion of this House, it is expedient to appropriate the funds necessary to enable the President of the United States to send Ministers to the Congress of Panama."

The report was committed to a Committee of the Whole on the state of the Union.

*United States and South America.*

Mr. WICKLIFFE moved the following:

Resolved, That the Committee on Foreign Relations be instructed to inquire, and report to this House, upon what authority, if any, the Minister of the United States to the Mexican Republic, in his official character, declared to the Plenipotentiary of that Government that "the United States have pledged themselves not to permit any other power than Spain to interfere either with their (the South American Republics) independence, or form of government; and that, in the event of such an attempt being made by the powers of Europe, we (the United States) would be compelled to take the most efficient and active part, and to bear the brunt of the contest."

Mr. WICKLIFFE said that he should at present do no more than explain the object of the resolution he had submitted: he would do it without reference to any question before the House touching the condition of the South American Republics; he would do it at any other time as readily as at the present; but he thought the Representatives of the people were now called upon to say whether any such authority had been given to our Ministers abroad, and if it had not, whether it ought to be given. The members of the House must have observed, from the documents laid on

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their tables, that our Minister near the Government of Mexico had said, in his diplomatic intercourse with that Government, that the Government of the United States was pledged to make common cause with that Republic if any other power than Spain should attempt to interfere in the question of its independence. Mr. W. considered this declaration as involving a question of weighty import to the people of the United States; and Mr. W. said that he, as one of that people, wished that question not to be decided upon before the crisis to which it alluded should actually arrive. In the mean time he did not wish that the declaration of an official organ of this Government should induce others to believe that such pledges had been given, unless that was actually the fact. That such an opinion had gone abroad, and that it was held by some of the South American Governments, the documents conclusively proved. During the last year a call was made by the Mexican Government upon that of the United States, to be prepared to redeem its pledge, a French fleet having then recently entered the West India seas. It is said, by others, that the declaration of our Minister is an assurance of the cabinet here. If such is the fact, it is high time it should be known and understood in this country. The only authority for this suggestion with which he was acquainted, Mr. W. observed, was a passage in a message of the late President of the United States to Congress; but he did not conceive that that communication would warrant our Minister to say that any *pledge* had been given by the United States. He recollected that, at the same session, a resolution was introduced by a distinguished member of this House, (now no longer a member,) which seemed to respond to the sentiments of the Executive; but he believed the resolution was never called up or acted upon by the Congress of the United States. If there existed any other evidence of such a pledge as that referred to by our Minister to Mexico, Mr. W. said he was unapprised of it, and he should like that the State Department should let the House know what was the true state of the case.

Mr. FORSYTH observed, that it would be needless for the gentleman to direct his resolution to the Committee on Foreign Relations, as they were unable to give to that gentleman, or to the House, any information on this subject, of which they were not already possessed. It was obvious, from the documents, that the gentleman alluded to has, in the execution of his powers as a Minister, and in obedience to the instructions given to him by his Government, held official language in the declarations he made. The authority by which he made them is, therefore, that of the President of the United States. Mr. F. could not positively say that our Minister to Mexico had received instructions to use these particular terms, but the Minister must, in doing so, certainly have obeyed the spirit of his instructions. It appears that a statement of the language he had used

was afterwards submitted to the Secretary of State, and approved by him under the direction of the President. The inquiry would be made by the Committee on Foreign Relations, if they were so ordered: but it could lead only to one result—that the Minister used the language by authority of the President. Mr. F. presumed that the desire of the gentleman from Kentucky was, that an inquiry should be made into the propriety of such language, and of the instructions on which it was founded: if that was his wish, he ought to make the language of his resolution more specific. It would then certainly present a very important question.

Mr. WEBSTER thought the motion of the gentleman was of an extraordinary character, and one which deserved more consideration than is usually bestowed upon a mere call for information. Among the documents submitted by the President to the House, was a letter from the Minister of the United States near the Government of Mexico, in which he details a conversation which had taken place between himself and the official agents of that Government, in which he was arguing in favor of an allowance by Mexico to the United States, of an equality in commercial privileges with the States of South America, and in which the agents of Mexico were resisting such allowance, and insisting that the United States should be, in these respects, postponed to some of the States of the South American continent. In this conversation, it appears that our Minister referred to an opinion commonly entertained in the United States, as to the interference of foreign powers in the concerns of Mexico, and the other new republics; evidently referring to a celebrated declaration by the late President of the United States, on that subject. He used the term "pledged," but it was plain that its reference was merely to this declaration. If the object of the resolution is to find fault with the conduct of this Minister, he could not, without more information, concur in it; and it seemed scarcely fair to infer, that he was instructed to make any improper declaration, unless there was some proof that he actually was so instructed.

But, if its object was to ascertain whether such instructions had been given, the call should be made on the Executive. Mr. W. entirely agreed with the gentleman from Georgia, that no information, in answer to this inquiry, was to be sought from the Committee on Foreign Relations. He had no objection that a call should be made for the instructions; but until farther inquiry, he thought any inference, unfavorable to the character and conduct of our Minister, ought not to be indulged. He, therefore, was induced to move to lay the resolution on the table; but, having made the motion, he withdrew it at the request of

Mr. FORSYTH, who explained himself as having said, only, that the Committee on Foreign Relations could give the House no information

It did not already possess—all the facts were before this House.

Mr. WICKLIFFE observed, that the gentleman from Massachusetts was greatly mistaken, if he supposed that he had any intention to find fault with the conduct of the distinguished individual referred to. His inexperience in legislation might have prevented him from suggesting the best mode of obtaining the information; but, he had concluded that the Committee on Foreign Relations, being, from the nature of its duties, in intimate correspondence with the Department of State, might readily obtain a knowledge of the facts, without putting either the House or the Department to the trouble of a call upon the Department for copies of instructions, &c. If such a call should be made, perhaps it might not suit the views of the Government to give, *in extenso*, the instructions given to our Ministers; or if they should be given, it might be under an injunction of secrecy—a mode which he wished ever to avoid.

His main object was to direct the attention of Congress and of the people of the United States to the question, whether any such pledge had been authorized by our Government. He was desirous that the country should be left free to act, when the crisis referred to should actually arrive. It seemed to him that the language of our Minister was official; and he had observed, that it did not seem to be contradicted or questioned, by the Secretary of State. He was, therefore, forcibly led to the inference, that the language of our Minister was approved. If the resolution was to be laid on the table, Mr. W. presumed he should be permitted to call it up, and modify it, at a future moment.

Mr. BUCHANAN said he was glad the gentleman from Kentucky had brought this subject before the House. Upon reading the documents which accompanied the President's Message, on the subject of the mission to Panama, said Mr. B., I confess I felt alarmed at the declaration of our Minister to Mexico. I am well acquainted both with the intelligence and the prudence of that gentleman, and, therefore, it is my belief this declaration was not made without authority. This belief is strengthened by a knowledge of the fact, so far as we can judge from the documents, that the Secretary of State has never disavowed, or even disapproved, the conduct of that Minister. Under these circumstances the avowal of the pledge to the Mexican Government, which Mr. Poinsett has made, is well calculated to alarm the fears and the jealousy of the people of the United States.

Under what circumstances was this pledge avowed, and what was the relative situation of the two countries? Our Minister was negotiating a commercial treaty with Mexico, and she had refused, in the most positive terms, to grant to the United States a privilege which she had extended to the South American Republics. Upon this occasion, he claimed for us,

as a matter of right, all the privileges which had been granted to them; and declared, as the foundation of this demand, that we stood pledged to protect them against any attack which might be made upon their independence by any European nation except Spain; and in that event, we should be bound to bear the brunt of the contest.

Now, sir, if Mexico should be induced, by this positive declaration, to grant us commercial privileges, which she would not otherwise have granted, I ask if we are not bound, in honor and in good faith, to carry it into effect? The expressions used by our Minister, were not mere idle diplomatic phrases. They were used for the purpose of obtaining commercial advantages; and were the basis upon which those advantages were to rest. They were held out as the consideration—as the inducement, to that Government; and it is fairly to be inferred, from the documents, that they received the approbation of the Secretary of State. It is time, then, the American people should inquire, and should distinctly know, whether this declaration was authorized by the Executive branch of the Government.

Mr. B. said it was not his intention, at this time, to bring into discussion, even indirectly, the Mission to Panama. Upon that important subject he would then express no opinion. He wished to know precisely, whether Mr. Poinsett had exceeded his instructions or not. He believed this knowledge was all important. If the Executive had determined to abandon the course of policy which had been heretofore pursued, and to enter into entangling alliances with any nation, the people should be informed of this determination. If such were not the intention, is it honorable; is it consistent with our national character; is it not a violation of the public faith, to hold out a pledge, for the purpose of deceiving Mexico, and then, after we shall have obtained the privileges which we desired, to mock at their calamity in the day of danger? Our intercourse with all nations should rest upon principles of justice. What would the Government of Mexico think of us, what would they have a right to think, if our Minister should hold one language to-day, and, after we had obtained from them what we wanted, we should disclaim his authority to-morrow? In every point of view, Mr. B. thought the subject was well worthy of inquiry.

Mr. Cook said that, on consulting the documents, he perceived that the gentleman had fallen into a surprising mistake, in the inference that the language of our Minister had been reported to the Department, and approved. If gentlemen would compare the dates of the Minister's letter, and that of the Secretary of State, they would find that the Secretary's letter is in reply to a previous communication of the Minister, and that that which contains this language, was not received when the Secretary wrote his last despatch. As to the pledge re-

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*Massachusetts Militia Claims.*

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ferred to, it could mean nothing more than the declaration of President Monroe. Whatever pledge had been given by the United States to Mexico, must, of course, have been already known to Mexico, or to its Government; such a pledge was not then brought to its knowledge: for the Minister speaks of it as one already given. The plain meaning was, a reference to the declaration of the late President—a declaration, hailed throughout this country, with, perhaps, an imprudent enthusiasm. Mr. C. had no objection to the inquiry proposed, but had risen, merely, to rescue the conduct of the Secretary of State from a misapprehension.

Mr. HOUSTON rose to address the House; but, the hour allotted to resolutions having expired, the Speaker arrested the discussion.

#### *Massachusetts Militia Claims.*

Mr. HOUSTON moved to postpone all the orders of the day, which precede the bill making provision for allowing compensation to the State of Massachusetts, for militia services, rendered during the late war.

The motion prevailed, and the House accordingly went into Committee of the Whole, Mr. BRIDGES in the chair, on that subject.

Mr. HAMILTON opened the debate, in a speech which occupied about three-quarters of an hour.

He first stated distinctly the principles on which the militia claims of Massachusetts were to be adjusted, in conformity to the report of the Committee on Military Affairs, which he had been instructed to make; which report provides:

*First.* That the claims of Massachusetts, for all Militia services, rendered during the late war, should be audited and paid, were afforded in compliance with requisitions of an officer of the Government of the United States.

*Secondly.* That all services rendered by the Militia of the State, at the request and suggestion of an officer of the General Government, if necessary to the defence of said State.

*Thirdly.* For all services rendered by the Militia of the State, without such request or suggestion, but to repel actual invasion, or, under a well-founded apprehension of invasion, provided the number of the troops called out or employed, were in due proportion to the exigency, and were not *specifically* withheld from an officer of the Government authorized to apply for the command of the same.

Mr. HAMILTON then applied to these principles the rights of a common defence, which Massachusetts had, under the guarantee of the Constitution of the United States, and went to show that the unjustifiable principles of construction which the State of Massachusetts had set up, in the opinion of her own authorities, did not affect the question, as presented by the report of the Committee on Military Affairs. He laid down the principle, that the mere avowal of an abstract opinion, by the authorities of a State, ought not to deprive its people of remuneration for services rendered, where

in point of fact, this opinion could be proved to have had no effect upon the character, usefulness, or patriotism of the services so rendered.

Mr. H. then gave a brief historical account of the services of the militia of Massachusetts; and applied the facts, growing out of these services, to the principles of adjustment which the committee had reported.

He then appealed to the justice and good feelings of the House, to fix on some principles of accommodation and adjustment, by which this question, which was the fruitful source of so much excitement and agitation in Massachusetts, might be settled forever: that this was one of the most holy and acceptable offices which the General Government could render to a member of this Confederacy: and dwelt with great earnestness on the common charity which the States ought to display to each other, on those occasions of irritation and conflict, growing out of those jealousies of State power, that would occasionally arise, which were only perpetuated by unnecessary hostilities, reproach, and rebuke: and concluded by saying, that the Committee on Military Affairs considered the power of the General Government sufficiently vindicated and upheld, in the bill for the settlement of the claims in question, then under consideration, by restricting the settlement to the class of cases enumerated, and by withholding payment in all other cases, where, in *point of fact*, the unconstitutional opinions of the State authorities of Massachusetts, as to the power of the General Government over the militia of the States, had, specifically, *operation and effect*.

Mr. DAVIS then addressed the committee:

The subject brought under consideration by my friend from South Carolina, (Mr. HAMILTON,) is one in which the State of Massachusetts is deeply interested; and if I were not to attempt to bring it to a just issue, I should feel my constituents would deem it a censurable omission of duty.

In order that the question which arises out of this claim may be fully comprehended, I shall briefly notice the history of the transactions connected with it. Eleven years have now passed away since the events of which I am about to speak occurred; and if passion or prejudice has ever mingled with the feelings of any one, in forming opinions in relation to them, time sufficient has now gone by to restore a cool deliberate judgment, and to enable us to look upon them with the same candor as upon more remote events of history.

In April, 1812, Congress passed a law requiring the Executives of the several States to detail, organize, and hold in readiness, to be called into the service of the United States, at a moment's warning, 100,000 militia. The quota assigned to Massachusetts was about 10,000, and the Executive was required to organize the men, when detached, according to law, and to appoint a full complement of officers to the

command. This order or law was executed by detaching and organizing the troops into three divisions and six brigades. Another measure adopted, as preparatory, was a division of the United States into military districts, with an officer of high rank, in the commission of the United States, to command each district. I say to command the district, because it appears by the documents on your table, that it was not the intention of the Government to place under the command of the officer of district number one, within the territory of which was Massachusetts, any considerable number of regular troops. This officer was invested with a kind of pro-consular power, having entrusted to him not only the care and supervision of military affairs in the district, but an authority to call into the service of the United States the troops detached under the law of April, 1812.

It was made known to the Executive, on the 12th June, 1812, by the Secretary of War, that General Dearborn, the commanding officer of the district, was invested with this authority, and the Executive was required to order the detached quota of men into the public service upon the call of General Dearborn. On the 18th of June, war was declared against Great Britain, and, on the 22d of that month, General D. asked for forty-one *companies* of this detached militia to enter the public service. The Governor declined executing the order, and from this arose a difference of opinion between the Executive of the State and of the United States, and to this difference of opinion is to be referred almost all the difficulties and almost all the controversy between the two Governments relative to the allowance of these claims. It becomes, therefore, necessary to examine with some care the course of proceeding on the one side and the other, and the reasons by which the parties at issue were governed. I shall do little more than state the points which have been made, without attempting to enter much into a discussion of them. To a compliance with this call, two objections have been urged, one to the form of the call, the other to the occasion of it. I will briefly examine them separately.

The call was for *forty-one companies* of a body of men already *detached* and fully *organized*, by a special act of Congress, and by order of the War Department, into companies, battalions, regiments, brigades, and divisions; and the full complement of officers appointed thereto, by the constitutional authorities of the State. The troops thus organized constituted three divisions.

The requisition was for forty-one companies, and the highest officer to be taken into the service of the United States, was a Lieutenant-Colonel, although forty-one companies constituted about one-third of the corps, or a Major-General's command. If, therefore, this order had been executed, a Major-General's command would have entered the public service, with a Lieutenant-Colonel at its head, and all

the superior officers of a division, detached and appointed to the command by an act of Congress, would have been deprived of their men, and their men of them; or, if they had been drawn from all the three divisions, the effect would have been the same: for it would have reduced each division and brigade below the command of its officer. The question which here arises, is, whether the United States can draw the militia of a State into the public service, without its officers? The constitution, after declaring that Congress has power to provide, in certain cases, for calling forth the militia, and to provide for organizing, arming, and disciplining them, declares, expressly, that the appointment of the officers is reserved to the States. In affirmance of this principle, the law of Congress, under which this detachment was made, directs that the officers shall be appointed by the constitutional authority of the respective States. These officers were therefore rightfully appointed, as they were appointed according to the constitution, and the concurrent provisions of the law under both Governments. By what authority could they be separated from their troops? The right of militia to be commanded by their own officers has never, to my knowledge, been denied, nor has it ever been contended, unless this requisition is proof of it, that officers of the militia could be removed from their command, to give place to officers of the United States. The mutual rights of officers and men belonging to militia to be united in public service, seems too obvious to require the aid of argument. How, then, could these troops, amounting in number, and by organization, to a Major-General's command, be drawn into the public service, without their officers, especially when those officers had been assigned to their respective commands by the authority of the United States? The only answer I have heard given, is, that they were to be distributed upon the sea coast, to perform garrison duty in the forts—and were to pass under officers of the United States in command of those forts, who would have been outranked, if the complement of officers for a division had been taken into the service.

Is this a sufficient reason for dismissing from their command officers appointed under the constitution, and detached and assigned by a special law of Congress to the command? Will this justify a separation of officers and men, and is it no violation of an acknowledged constitutional right? If regimental, brigade, and division officers were not necessary for the service, and were not intended to be taken into it, why were they detached? If the men were to be called out by *companies*, and their organization into larger bodies could be disregarded, why was the Executive required, both by law, and the order of the Secretary of War, to organize them into battalions, regiments, brigades, and divisions? Why, if it was competent for an officer of the United States to make a call for a large body of troops, by companies,

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were not the 10,000 men detached and *organized* without a higher than a company officer?

The next objection to the requisition for forty-one companies, is, that no constitutional emergency existed at the time of the call, which justified it. This ground of objection was taken by the Executive of the State, and has been a principal source of controversy and conflict of opinion in relation to this claim. I will also state the reasons, as I have understood them, upon which this opinion rested. The constitution declares that "The Congress shall have power to provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions." It is manifest, from this language, that the power confided to the United States over the militia, is limited to the three exigencies mentioned in the constitution: and that one or the other of them must happen before the right of calling the militia into service exists; and so Congress seem to have considered it. In 1795, in the exercise of this power, Congress passed a law providing for calling forth the militia to execute the laws, when disobeyed, to suppress insurrections, and to repel invasions. Provision was also made for calling them forth in cases of imminent danger of invasion. A greater power than this has not been claimed by Congress in any law that has ever been passed upon this subject. Receiving, then, the law of '95 as the true exposition of constitutional power, I shall ask the attention of the committee to the state of facts as they existed at the time General Dearborn made his requisition, and they will show the reasons by which the Executive was influenced in his decision. The troops were not demanded to execute the laws: for they were not disobeyed. They were not demanded to suppress insurrections: for none existed. But they were avowedly demanded to meet the exigencies of the war, and the question arose whether there was any invasion or imminent danger of invasion. There was no invasion: for no enemy was within our territory. But imminent danger of invasion might exist; and the inquiry arose, both as to what imminent danger of invasion was, and as to its existence at that period, which was four days subsequent to the declaration of war. It was urged that imminent danger could not be that which is remote and unknown, but that which exposes us to obvious hazard—that which is apparent and threatening, or, as the word *imminent* implies, hanging over us!

If a declaration of war alone should justify calling out the militia into public service, then would it be in the power of the United States to convert the militia at once into a standing army, and to hold every man liable to do duty in the service during the continuance of a war, if it were, like the late wars in Europe, protracted for twenty-five years. A power like this, exerting itself upon the population of this country, would too much resemble the objec-

tionable and arbitrary conscriptive system of France.

This brings me to inquire what the Executive of the State did, in view of this state of things. He declined executing the order of General Dearborn, because he considered he had no power to do otherwise. He considered his power as limited, by the constitution, to the existence of some of the exigencies mentioned in that instrument; and in the absence of all evidence of the existence of any of them, he considered that he could not execute the order, because, in this country, no authority but the laws is known or acknowledged. Hence, it was thought that the Executive could not execute the order of General Dearborn, as it did not rest upon constitutional power, and therefore, carried with it no obligation of obedience.

Having now explained the reasons by which the Executive was influenced, as I have understood them, perhaps incorrectly, but not intentionally so, I shall leave them to the consideration of the committee, and inquire how far the United States were necessarily affected by his decision.

By the law of '95, which contains the general provisions for calling the militia into the service of the United States, the President is authorized, for that purpose, to issue his order to an officer or officers of the militia. By the act of April, 1812, under which the ten thousand men were detached, the provisions for calling this detachment into actual service, are the same as I understand them. The President had, therefore, power to issue his order to any officer or officers of the militia thus detached; but, as the Governor was not a detached officer, it may well be doubted whether he could issue an order to him, even in his military capacity, for these troops; but admitting, for the purpose of argument, that he had this right, he also had the right of issuing it to any or all the officers detached, so that the Governor's neglect to obey, did not, or could not, affect the power of the United States over the troops, if a constitutional exigency for calling them into service existed. If, therefore, the officer of the United States making this order, felt a confidence that a period had arrived, which gave to him constitutional power to call for troops, he need not have stopped, upon the Governor's refusal, but might have drawn them into service against his judgment; for the right to the troops, and the power of ordering them into service, does not appear to depend on the will of the Governor.

Before leaving this part of the subject, I will mention one more fact, which seems to have some connection with it. While the Governor declined executing the order for the forty-one companies, he, about the same time, detached a Major's command of three companies, and, at the request of General Dearborn, had them mustered into the service of the United States, for the defence of the frontier that borders upon New Brunswick; not because there was invasion, or danger of invasion, for the Governor of

Nova Scotia had issued his proclamation forbidding all incursions upon our territory; but evil-disposed persons had collected there, and, taking advantage of the belligerent state of the two countries, manifested a disposition to plunder the inhabitants, and he thought it but just that they should have a more efficient protection than the civil authorities could yield.

In this condition affairs remained for nearly two years, when a peace was ratified between the belligerent nations of Europe, which left the army and navy of our enemy idle, and at liberty to be employed against this country. As might have been expected, he projected a system of operations for the campaign of 1814, more vigorous and extensive than those of the preceding years.

Early in the campaign of 1814, this enemy commenced his operations by blockading our ports, and intercepting our commerce. He soon began to destroy shipping, wherever it fell into his hands, either by capture, or by cutting it out of undefended ports. In June he landed at Saco, in Maine, and destroyed some private property. As his strength was from time to time increased, he grew more daring, and, in the latter part of July and August, kept the whole coast in a state of great alarm and trepidation, by constant attempts to land and commit depredations, wherever the coast was undefended. To meet these operations, and to quiet apprehension wherever there was cause for alarm, guards were placed along the coast, to watch the motions of the enemy. Militia were turned out to defend the passes to the Navy Yard at Portsmouth, New Hampshire, and also to the Navy Yard at Charlestown. Orders were also issued to the commanders of militia, if any part of the country was invaded, or threatened with invasion, not to wait for orders from any one, but to turn out, and meet and repel the foe. In July, General Dearborn asked for 1,100 men, to strengthen the fortifications, and they were, by order of the Governor, mustered into the service of the United States. On the last of August or first of September, the enemy took possession of the Peninsula of Castine, in Penobscot Bay. This, together with his success in other parts of the country, excited great apprehensions for the safety of the shipping and the towns. The inhabitants were pressing in their calls for further protection; and on the 2d of September large bodies of troops, under the discretionary orders of the Governor, previously given to military commanders, were marched to the defence of Portland, Kennebeck, Wiscasset, and other places in Maine. On the 6th of that month, the Governor renewed his order to the whole militia of the Commonwealth, requiring them to hold themselves in readiness to march at a moment's warning, to defend the State. He also, by the same order, assembled nearly 4,000 militia for the defence of Boston. On the 17th of this month he placed 1,200 militia under General Dearborn, to strengthen the forts in the harbor of Boston. This state of alarm, of

anxiety, and danger, continued as long as the weather permitted the enemy to remain with safety on the coast. He pressed the war with all the vigor in his power, cutting out, burning, and destroying shipping and other property; cannonading towns, threatening the destruction of the salt works; attempting daily to invade and dishonor the territory. The claim, sir, under consideration, asks reimbursement for money advanced by the State to pay either for spontaneous services, rendered without special orders from any one, to protect the soil, property, and persons of the inhabitants, from invaders; or for services of like character, performed under the authority of the State. Services such as have been allowed to *other* States.

This brings me to inquire why this claim has not been adjusted?

It is not because it was not presented, and pressed with all becoming zeal, upon the consideration of this Government, soon after the war. It is not because the services have not been rendered and paid for by the State. It is not because those services were not beneficial, and essential to the safety of the country: for, of all these points there is most unquestionable proof. But because there was a constitutional difficulty. It was alleged by the Department, that, in the early part of the war, the Executive of the State had assumed grounds, in relation to the constitutional authority of the United States over the militia, so repugnant to the true interpretation of that instrument, and so hostile to the interests of the nation, that the claim could not be allowed.

To this it was answered, that the opinions of an officer of the State could not be made to bear upon the claim, so as to affect the right to reimbursement: that the State is not responsible for the *opinions* of its officers, whether right or wrong, so as to be liable to fine or punishment; and that the only inquiry was, whether the services were rendered in defence of the country, and, if so, and found to be necessary, they come within the rules adopted in allowances to other States.

To this it was rejoined, that the constitutional difficulty tainted and rendered void the whole claim, so that the State of Massachusetts could not be let in upon a footing with other States. In this manner the claim rested; the agents of the State constantly soliciting the attention of the officers of the Government to it, and the officers of the Government as constantly declining to do any thing about it, until 1823, when the President was prevailed upon to direct that a portion of it should be examined. It was, therefore, committed to an Auditor, who reported upon it, and upon the evidence by which it was sustained.

The President, after giving, as he says, great consideration to this report, and seeing the unequivocal proofs by which the claim was supported, declared, in a message to Congress, his entire conviction that the services were spontaneous, patriotic, and necessary to the defence of the country, and ought to be allowed. This

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sentiment he has repeated, most distinctly and most earnestly, three times, in as many messages to this House. It has been reiterated by as many committees of this House; but still the subject has never been acted upon by Congress; and this accounts for the delay.

Before I proceed to consider more particularly the weight of this constitutional difficulty, I will recur again to the transactions of 1814; and, in connection with them, ask the attention of the committee to one or two facts to which I have not adverted; not that I consider them as affecting this claim, but that I wish to pass over nothing which, by any one, can be deemed important. In June, of that year, troops were ordered out to defend the Navy Yards at Charlestown and Portsmouth; in July, eleven hundred men were mustered into the service of the United States, to strengthen the forts: in the same month, orders were issued to the officers of militia, to meet threatened, and to repel actual invasion, without waiting for orders from any one. On the 6th of September, orders were issued to call into the service about four thousand men, for the defence of Boston, and the whole militia were commanded to hold themselves in readiness to enter the service at a moment's warning. On the 17th of September, twelve hundred men were mustered into the service of the United States, to strengthen the forts in the harbor of Boston. These measures were adopted by the Executive of the State, for the general defence. On the 5th September, General Dearborn made a requisition upon the Governor for four thousand six hundred troops, to be distributed along the maritime frontier, for sea-coast defence. The documents do not inform us whether any reply was made to this demand of General Dearborn; several objections appear to lie against it, and although I cannot bring my mind to the persuasion that the opinions and the proceedings of the Governor, whether well or ill-founded, can affect this claim, as I shall by and by attempt to show, yet I will state such objections as seem to me to be in any way important. To show their bearing, I must again recur to the constitution and the laws, for the purpose of ascertaining whether the President of the United States had, at this time, any authority to detach and hold in readiness to enter the public service, a body of militia. The law of 1812, under which the ten thousand men were organized, had expired by its own limitation, being confined in its operations to two years. The 10,000 men were, therefore, disbanded, and no longer as a detachment, liable to be called into service. The power of Congress, in relation to the militia, has usually been considered as divided into two branches: the one has been exercised in preparatory measures, such as detaching and organizing a body to be held in readiness to enter the service when an exigency shall occur. This is a power which may be, and is, exercised, when no right exists to call the troops into actual service, and has always been considered by

Congress as distinct from the power of actually calling into the service. It is a preparatory measure, as it merely places troops in readiness to enter the public service. But this preparatory measure cannot be resorted to except by an act of legislation. Such an organized body (for it is a new organization of the militia) cannot be created without an act of Congress: for no power can be exercised over the militia by an officer of the United States, except under a law of Congress. At the time, there was no law authorizing this preparatory organization. The general law of '95 is silent upon this subject; and that it was never designed to give authority for such a measure, we have the repeated testimony of Congress itself in three special acts, passed for this purpose, since the law of '95 has been in force; one in 1806, one in 1808, and one at the commencement of the war in 1812. In other instances, where the measure has been attempted, it was always done under a special act of legislation, and in no other way. Yet, notwithstanding this want of legal provision, General Armstrong, then Secretary of War, on the 4th of July, 1814, addressed a note to the Executive of Massachusetts, *inviting* him to unite with certain Executives of other States, in organizing a corps of 98,500 men, to be held in readiness to enter the public service when an exigency should occur, and refers to the general law of '95, for his authority: and yet it is apparent, from the tenor of the note itself, that the writer doubted his own authority, as he does not, in the usual manner, *command* or *requisition*, but *invite*. If I am right in the position I have taken, General Armstrong had no authority to propose this measure, nor the Governor any authority to execute it: for it does not, in any thing, pursue the provisions of the act of '95, nor can it be considered, as has been observed by the Supreme Court of the United States, either as an order or a requisition. I do not mean to deny the authority of the United States to call the militia into the public service, under the act of '95: for if that act had been pursued, it might have been done by *detaching* orders from the President; but this was not attempted nor designed to be done by the Secretary of War. His object was to form a corps, by a new organization, unknown to any law *then* in existence, to be held in readiness, to be detached by parcels into the public service, if an exigency should occur; and this could not be done.

Having shown, as I think, that the invitation of Gen. Armstrong rested upon no authority except his own wishes, and that the Governor could not issue any order upon it, that the troops would have been bound to obey, I will now inquire what authority General Dearborn had to make a demand for 4,500 men. On this point I have no evidence except what is contained in the printed documents. It appears, however, to be of a limited character. We find its character and extent pretty accurately defined in a letter from Mr. Monroe, Secretary of War, to Mr. Giles, chairman of a committee



of the Senate, in 1815. In speaking of these commanders of districts, he says, "these commanders were specially charged with the defence of their respective districts. It was enjoined on them to watch the movements of the enemy, to communicate to the Government, and to execute its orders in summoning to the field, on menace of invasion, such *portions of the quotas* of the militia of each State, within their respective districts, as had been provided for by act of Congress, and detailed by this Department, as were thought necessary." Now, sir, there was no quota of militia provided for by any act of Congress, at the time General Armstrong gave his invitation to the Governor—nor had there been any detailing orders issued from the Department of War, to organize any quota of militia. No such body of militia could exist: for there was no act of Congress which authorized it. It is plain, Mr. Monroe here speaks of a quota organized to be held in readiness to enter the public service when an occasion should occur for their services. It is also plain that Gen. Dearborn had power to call for such detached militia, and none other; and as no such detachment had, or could, have been made under any authority of Congress, it is also plain that General Dearborn could make no demand upon the Governor. His requisition was, therefore, without authority, and imposed no obligation of obedience. If I am right in this view of the subject, there could be no wrong in disregarding the call of Gen. Dearborn. This was not, however, the reason offered by the Executive for his neglect to comply with Gen. D.'s request. In a letter addressed to the Secretary of War, on the 7th of September, 1814, he states, that, pursuant to a request of Gen. Dearborn, he had, in July preceding, detached 1,100 militia, and placed them under his command, but such inconveniences arose from the measure, that it could not be then repeated.

These objections and inconveniences arose from the following causes: In the first place, with 1,100 men, making a battalion of artillery and a regiment of infantry, a Major of artillery and a Lieutenant-Colonel of infantry only were received into the service, although there were at least three battalions. In the second place, these troops were, by the laws of Massachusetts, organized into companies of 64 men each, with three officers to a company. When taken into the service of the United States, they were organized into companies of 100 men each, thus dismissing a portion of the platoon officers, and deranging the whole system. In the third place, they were placed in forts, and, in all instances, as a committee of this House state, under officers of the United States, of equal grade with the officers of the militia. In some of these forts, say the committee, there were very few men, and, in some, none at all. The complaints did not arise from being placed under the command of officers of the United States, of equal rank, where such officers had an actual bona fide command of regular troops;

for this was a precedence they were willing to yield; but they complained of being placed under officers who had either only an apology for a command, or no command at all. The militia, sir, have pride, and honor, and ambition; for they are composed of the best blood of this country. When measures are adopted which humble that pride, which disregard that honor, which crush that ambition, and declare to them that they are unfit for the service to which they have been called, they have just cause of complaint, and will complain—discontent and dissatisfaction will prevail.

But it is said that the course pursued by the Executive impaired the physical force of the United States. By this it is, I suppose, meant to allege that the Executive possessed and exercised an authority by which he threw himself between the two governments, and prevented the United States from employing the militia in their service. This argument supposes the Governor to possess a power which does not appear to be entrusted to him. It supposes that he can, at his pleasure, withhold the militia from the United States, and that they have no remedy, but are dependent on his will. The laws of the United States will show that the fact is far otherwise; that the Executives of States have but a miserable remnant of authority over the militia, too feeble to excite jealousy; and that this power does not stand in the way of the United States; for, whenever the President chooses to take the militia into public service, he can do it in defiance of the authority of the Executive of a State. The law of '95 contains all the important provisions upon this subject. It enacts that the militia may be called into the service of the United States in cases of invasion, and of imminent danger of invasion; and, for this purpose, the President may issue his *orders*—to whom? Not to the Executive of the State—not to the Governor—but to *any officer or officers* of the militia. It neither names nor refers to the Chief Magistrates of States; nor does it authorize any call upon them as the organs of State sovereignty; but gives the right of issuing orders to, and exercising power over, officers of the militia only.

I will now consider, more distinctly, the effect of the opinions and the acts of the Governor. It is said, in these documents, that the claim could not be allowed, because of certain anti-constitutional *opinions* advanced by the Governor. It was contended by the State, that a large portion of the claim had no connection with the Governor's neglect to comply with the order of June 22, 1812, and of September 5, 1814: for it is for services rendered on sudden and pressing emergencies, without any special order from either Government, and came clearly within a class of claims such as had been allowed to other States; but it was objected that the *opinions* of the Executive tainted this part of the claim also, and it has not been allowed.

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Where is the authority by which a State is made responsible for the *opinions* of its officers—and especially of its military officers? Is it in the constitution? Is it in the laws? No, sir, it has not even the authority of precedent. The State has a claim for money, such as is allowed to other States, but the money is withheld—and why? Not because it is not due, but as a punishment for the *heretical opinions* of an officer of militia. Can this be done, sir? Can you punish a State for the heresy of its militia officers? If so, where is the tribunal that can pronounce the verdict of guilty? Where the tribunal that can measure out the punishment? Where the authority to inflict it?

Now, sir, what does this examination show? It shows that the United States declared war against Great Britain; that this powerful enemy assailed, with his land and naval forces, the State of Massachusetts; that he destroyed her commerce, plundered the property of her citizens, and invaded her territory; that the State was left almost wholly undefended and unprotected by the United States; that, under these circumstances, the militia of the State turned out, either spontaneously, or by order of State authority, and repelled the foe, and saved the State from dishonor; that most of these services have, in repeated messages of the President to this House, been declared to be patriotic, and indispensably necessary to the defence of the country, and have also had the same testimony in their favor from every committee of this House to whom they have been referred; that other States have been allowed for like services, while the whole of this claim has been refused.

And now, sir, who is it that demands reimbursement? It is not a party to this controversy, which took place eleven years ago; it is not a disobedient militia officer who makes the demand. No, sir, it is the people of Massachusetts, who had nothing, and could have had nothing to do with the contest between the United States and the Governor, as a militia officer. It is the people of that ancient State, which occupies one of the brightest pages in the history of this nation; it is the people, who have poured out their blood, and their treasure, in defence of the United States; and shall they be made the victim of a selfish policy? Shall they be told, that they stand responsible for the opinions and neglect of militia officers, with whose conduct the State had no connection? Is this the manner in which the constitution is to receive construction? Is a member of this Confederacy to be fined for constitutional heresy? It is now the fashion to maintain State rights, State independence, and State prerogatives. I rejoice that the day has come which returns this doctrine upon us: for, to my mind, no axiom, no political truth is more obvious, than that the permanence and stability of our institutions depend upon a free exercise of all the rights reserved to the States.

Mr. Houston next took the floor, in opposition to the bill. He said his intention in rising, on the present occasion, was to take a summary view of the ground on which the claim of Massachusetts rests.

I am, said Mr. H., decidedly opposed to an allowance of any portion of the claim now under discussion. I will endeavor to answer the arguments of the gentleman who has just taken his seat, (Mr. DAVIS.) I assure the committee, that the objections which I entertain on this occasion, are based upon principle, and not from any feeling of hostility towards the community who have advanced this claim. The gentleman from Massachusetts has told us, that this claim rests upon just and equitable grounds; and that whatever may have been the doctrines entertained by the Governor of Massachusetts, it is unfair to mulct a community for the acts done only in defence of State rights. Now, I insist, if the demand is just, it should be paid. All I ask, before this House proceeds to pay that claim, is that they will give it a full and fair examination. It has been recommended by the President of the United States, to give a decision upon the claim at some period. I hope that period has now arrived.

The claim is founded on services performed by the troops of Massachusetts during the last war. It cannot, surely, be urged, that these services were performed under the Constitution of the United States. What are the facts? In June, 1812, a circular was issued by the Secretary of War, addressed to the Governors of the several States, with a requisition for their respective quotas of militia, to be held in readiness when called for by the emergencies growing out of a state of war. The Governor of Massachusetts did not recognize the authority of the President of the United States, and waived a compliance with the order. His plea was, that the President of the United States had no authority to make such requisition, as no emergency then existed, which, by the constitution, gave him the power of calling out the militia of the several States. And the Governor further added, that, to this effect, he was advised, by the Judges of the Supreme Court of Massachusetts, and by his Council. Some of the citizens of that State were willing to embark in the service of the United States, but were precluded from so doing by the want of arms. The Governor says he issued arms to some, but not to others. It was determined by the General Government to call out the militia under officers appointed to the different departments, for the purpose of contributing to the defence of their own coast. The regulations of the Government, at that time, fixing the rank of officers, was so arranged, that, whenever an officer of the militia should be called out, to act with an officer of the same grade of the United States, that the latter should take rank of the former. This rule obtained from the highest to the lowest grades of the army. But it never was pretended, that the militia

officers of superior grade should be subject to the immediate orders of the United States officers of *inferior* rank. When, for instance, a Major-General of the militia was serving with a Major-General of the United States army, the Major-General of the regular army necessarily took rank of that of the militia. But, if a Colonel of the United States service, in command of his regiment, was co-operating with a Brigadier-General of militia, the General would, necessarily, take his rank and command. Therefore the measure was objected to, more on account of its substance than any notions of form or etiquette. I am authorized to say so, by the documents which have been exhibited in support of this claim. But, it is said, that two objections were urged to the requisition; that one hundred and forty-one companies, which were to be detached, were sufficient to constitute one or more divisions, and that no general officer from the State was to be called out and placed in command.

But, Mr. Chairman, where was the necessity for the detail of a Major-General? An officer of the General Government was already there, in command of the district, and it was not intended that these one hundred and forty-one companies should be consolidated. Had that been the case, the objection might have been urged, with plausibility at least. The detail of a general officer would then have been proper. But such was not the fact. These companies were to be detached to different places. Some were intended to man the forts, others to guard the coast at different points. What need was there then, of a general officer, when a commanding officer of the district was responsible for its defence? It was not designed, by the General Government, to station, at any one point, more than one regiment, constituting a command for a colonel, and not more. We are told, by the Governor, that the troops of Boston were already in a state of preparation for defence, and that, in six hours, they could be marched from the neighboring villages, and that further preparation was not considered necessary. Sir, if the objection rested on this little point of etiquette alone, it lasted too long, and was of too serious moment. It may be urged that the consideration for pride of rank should weigh much on this occasion. I am willing to concede the gentleman all that he can justly demand in behalf of military pride. But, sir, there was no ground furnished for the exercise of this pride, under the circumstances of the requisition made. Was it ever attempted, during the war, to separate the men from their immediate officers? To detach the captains from their companies? To place these companies, subject to the command of a captain, in the regular army? Such a measure was never attempted, or even thought of. There was no real or implied infringement on the rights of the militia.

The militia of Massachusetts were called out to defend their own frontier. No order has

ever come under my view, directing them to be marched to the frontier of the United States, or to defend the territory of other States. If Massachusetts was really disposed to co-operate in the defence of the country, why did she not defend her own borders? But it seems, from the communication of the Governor of Massachusetts to the Secretary of War, that the Governor of Nova Scotia, actuated, no doubt, by the amiability of his character, had interdicted any invasion of the borders of New England. Was the proclamation of the Governor of Nova Scotia to be regarded, and an order from the Government of the United States to be disregarded? Had not war been declared against Great Britain, by the constitutional authorities of this country? Was not that declaration a solemn law? Was it not the supreme law of the land? Did it extend to all the States, or only to a few of them? Must a special law be passed, expressly declaring that Massachusetts shall defend its borders? Sir, that declaration of war struck a panic through England, and its dependencies. But Massachusetts was not to be affected by it. That declaration was to be met by the Governor of Massachusetts, declaring that the people were not willing to be drawn from their homes, and to rally on the border before an enemy approached. Could the order be really understood in this way by the Governor? No, sir. It was only an order that the militia should be *detached*, and held in requisition. But what is the meaning of the term "*detached*?" It is, that a regular detail should be made, constituting a certain body, to fill the quota proper to be furnished by each State, in order that the men may know who are, and who are not, designated to march, when orders to that effect are given. The detail itself is *not an order to march, but only a notification to those who are to be in readiness*.

Sir, on this subject of yielding the etiquette of military rank, I can refer to the most illustrious example: An individual, who has been charged with high-handed and overbearing measures—who has been erroneously charged with the violation of the constitution of his country—who yielded this point of military etiquette, whether expressed or implied, in the regulations of the army. When the militia of Tennessee, under the command of General Jackson, formed a junction with the troops of Georgia, under the command of General Pinckney, in the Creek nation, General Jackson was in command of a victorious army. His commission was of a date prior to that of General Pinckney, and of equal rank. They were major-generals—Jackson of the militia—Pinckney of the regular army. Did General Jackson squabble about military etiquette? No, sir. Though the laurels of victory luxuriated on his brow, and he was the chief of many battles, without a word he recognized the order of General Pinckney, and obeyed his command. He sheathed that sword, so often drawn in his country's cause, and never drawn in vain. He

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returned home, accompanied by his brave followers, and met the thanks of a grateful country. Was he degraded? He submitted to the laws of his country—he had no scruples of military etiquette. But, it is said, in the case of Massachusetts, that there was no law for this requisition—that the order was a *request*, and not a *law*. Sir, I ask again, Was not the declaration of war a law? Was the State of Massachusetts an exception to the operation of that law? Was it a partial law? Or was it intended to be general in its operation?

But we are told, that all the regular troops in Massachusetts were marched to the northern frontier. If so, were they not marched where they were most needed? The militia were sufficient for the purposes of State defence. That State was filled with a dense population, and the invasion of an enemy could, at any time, be resisted without difficulty, where inclination was not wanting. But, while so much complaint is made, that the regular troops were marched away, it is not amiss to ask, what steps were taken to increase the regular troops, by the recruiting service? Sir, what was the language held in relation to that service, in Massachusetts, at that time? Did the recruiting officers of the army meet with no obstructions? Was not the regular service entirely discouraged? Did not the civil authority expressly interfere to prevent its success? And did not another authority lend its aid to the discouragement?

The gentleman says, that the Governor did right to refuse obedience to the President's circular; that the General Government had no authority to issue such an order; that the law of 1795 gave authority to the President only to call upon the militia officers of the several States; that the law does not name the Governor, but only the militia officers. This is true. But I will show you that the law of '95 was faulty in this respect. It ought to have named the Governor. The expression of the law should have been more full. But, still I ask you, how you will separate the Governor from the militia officers of a State, when he is himself, *ex officio*, the commander-in-chief of the militia of that State? Is it not true, that the civil and military functions are both united in him? Then, I am unable to perceive the distinction between a militia officer and the commander-in-chief of the militia. And, I say, it would be irregular, in the General Government, to issue an order to any subordinate officer, without that order first passing through the commander-in-chief. All regular details of troops from a State, must be made through the Governor of that State, by the officers of the General Government, unless in extreme cases. If this rule be disregarded, there will be no medium at which to stop, between a Governor of a State and a corporal of a squad. The Governor has the roster of his general officers, and can, with regularity, and facility, reach the lowest detail of his command.

But, it has been emphatically asked, where

is the power of the Governor to thrust himself between the physical power of the State and that of the General Government? Sir, I ask the same question. I want to find this power as much as the gentleman does. I believe there is but one precedent for it, and that is in the case of the Governor of Massachusetts. Did not the Governor of Massachusetts do every thing to resist the power of the General Government? Did not Governor Strong interpose himself between the General Government and the people of his own State? I say he did. And, whether this was physical or moral resistance, it had the effect to paralyze the arm of the General Government to a certain extent. Did he not call upon his judges to sustain him in his position of neutrality which he had taken? Sir, I do not implicate, in his conduct, the whole of that respectable State. I am well aware that there were some men who did much, and would gladly have done more. It is not my wish to degrade the people of that State. The ruling politicians of that day are responsible to the American people. My information respecting this case, I have obtained from documentary evidence. From the documents, I find, that the Governor issued his orders to the Legislature of that State, to take no part in this "unhallowed war." The Legislature responded to that sentiment, and directed the militia to remain at home. Sir, this was done in 1814.

If the Governor, in all this, had acted unknowingly, I could find an excuse for him. If his errors had been those of omission only, the guilt would have been less; and, if it were true, that the Governor alone had erred, I should then say that the State of Massachusetts ought not to be prejudiced. But if, on the contrary, it be a fact, that what he did was done with his eyes open, that his errors were those, not of omission only, but of commission also; and, in his studied course of resistance to the United States, he was sustained by a majority of the voice of the people of Massachusetts in that resistance—while a war was raging, and a savage enemy laying waste our country, burning and destroying our towns and villages, a Governor thus acting, found a regular accession of strength and support from the people over whom he presided;—then, I say, that people is responsible. The people of that State came again to the polls; they had opportunity then to place a veto on his conduct. Did they do so? Is there any thing like a shadow of disapprobation? No, sir. They approved his course, they sustained his principles. He was re-elected by increased majorities. They hailed his re-election with acclamations. Their Legislature rendered solemn thanks to Heaven for his re-election. And, now, sir, what is asked of this Congress? To pay for services rendered by troops whose services had not met the spirit of the constitution.

We find that assurances had been given to the Governor of that State, that, if the requisitions of the General Government were not

complied with, that "the measures which may be adopted by a State Government, for the defence of a State, must be considered its own measures, and not those of the United States. The expenses attending them are chargeable to the State, and not to the United States. Your Excellency will perceive that a different construction would lead into the most important, and, as it is believed, into the most pernicious consequences." Yet we find his Excellency prepared to risk the consequences; and it is but fit that the State should now be answerable for them. Look at the subsequent conduct of this same Governor. On the ground of this federal assurance, troops were placed, by compromise, under the officers of the General Government. They refused obedience to their officers, and the compromise was dissolved. There were then but few regular troops in that State. The situation of the northern frontier required their presence, and that became their destination. In Massachusetts we find there was a great reverence entertained for the constitution of the country. The State authorities would not permit their troops to step beyond the lines of the State. Yet we are called upon to pay these troops for services rendered to the United States in the last war. And pray, sir, how long did they serve? Information on this point is very vague and indefinite. Some for "nearly three months"—some for two weeks, and others for two days. But, sir, we are assured, and with much gravity, too, that Governor Strong, in all this matter, had no "desire to embarrass the General Government." On this point I may safely leave all to judge for themselves. But, sir, what says Massachusetts herself on this point? Hear the address of Governor Eustis to the Legislature, in the May session of 1823. In addressing the Legislature, touching this claim, he says: "The long-continued opposition to the Federal Government, more especially the measures pursued in this State, during the eventful and critical period of the late war—the withholding from the Government the constitutional means of defence—the paralyzing influence exercised over the agents of that Government, which occasioned double sacrifice of life and treasure, while the citizens of other States were exercising their utmost energies against a common enemy; and, when a gallant army and navy were covering themselves with glory, and retrieving, and establishing, on an imperishable basis, the national character, on the ocean and on the land, must ever be regretted." And again, sir, when referring to the same subject in the continuation of the same address—"The rising generation who could have had no agency in this disloyal course, appear to have taken an honorable and earnest interest in its disavowal." To these sentiments we find both branches of the State Legislature of Massachusetts responding.

Mr. Chairman, if Massachusetts had, with a proper feeling of what was due to herself and the country, acted as the exigencies of the

times demanded from her, as a leading State in this Confederacy, I would freely vote for remuneration. My language would be, pay this debt, if it swept the last dollar from our Treasury. If the claim is just, it ought, of right, to be, and must be paid. But the services for which we are asked to pay, were not rendered in accordance with the constitution, and those which were rendered were inefficient, and comparatively of no value.

Mr. Chairman, what is the motive for so great a change in sentiment as that expressed in the message of Governor Eustis? I will not say it is the love of gain and lucre. I had rather believe it is an honest revolution in public feeling, and that, should another crisis arrive, the people of Massachusetts would join the country and support the Government in asserting and defending the rights of both. But this is no argument that Congress must pay them for their good determinations in advance. The people of Massachusetts, like the people of any other State, can claim from this Government only what they have deserved.

But we are told that many of these militia were ardent patriots and good democrats. Sir, I stand here to do justice, and not to distribute alms. My resistance to this claim is a matter of principle, and, unless I can be convinced that the claim itself is just, I never can allow it to the claimants, whosoever they may be.

What was our situation, Mr. Chairman, when Massachusetts thought fit to resist the authority of the General Government? Our northern frontier was bleeding at every pore; our armies were reduced to skeletons; our Atlantic coast was bound in blockade by the enemy's ships; fleets hovered in sight of our seaports; our southern frontier was drenched in blood; a savage enemy had invaded our northwestern borders; the conflagration of our frontier hamlets proclaimed the approach of an Indian enemy; the murderous tomahawk was raised on high; the savage arm was upheld by British influence; the scalping-knife received a keener edge from the gilded hope of British gold; and indiscriminate slaughter of every age and sex closed the scene of our suffering frontiers: our finances were exhausted, our credit destroyed, and hope a stranger in the land; despair was marked in every face, and each patriot countenance, as it anxiously gazed on the passer-by, exclaimed, "What shall we do to be saved?" Convulsions shook the very foundation of our Government. Sir, at that time, did not Massachusetts appoint commissioners or agents to wait upon the President of the United States, to inform him that it was time he should surrender his power into other hands? It is not my design, Mr. Chairman, to cast reflections on the character of these misguided people, whose zeal and courage, misdirected by their Governor, were turned against their own Government, instead of the invaders of their country. Sir, I know the primitive character of Massachusetts. I have not for-

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gotten Lexington. All must remember Bunker's Hill. Boston, too, was one of the cradles of our Revolution. I am not unmindful of the deeds of their fathers—immortal deeds, which shed a halo around their national character!

I will now refer you to the speech of Governor Strong, delivered to the Legislature of Massachusetts, on the 28th of May, 1818. In adverting to the state of our country, he says, in a part of his speech, speaking of his re-election to office, "their (the people's) approbation of my conduct the last year, is peculiarly grateful, as it leads me to hope that my services in the year to come will be considered with the same indulgence." Throughout the whole of that address we find but one sentiment expressed, and that sentiment in opposition to the war. The Legislature, in their response to the Governor's speech, indulged in animadversions of the most abusive character, towards the General Government. Was this what ought to have been expected from the people of that State? Was this resistance to the enemy worthy of the remuneration of Congress? No, sir; the common feelings which bind men to their countrymen, to their freedom, and to their independence, seem, in this instance, to have been quenched by the remorseless influence of party heat. The enemy, with their fleet, had entered the Chesapeake before this period—the people of Massachusetts expressed no concern for that event. Frenchtown had been laid in ashes—were the people of Massachusetts awakened to sympathy? Havre de Grace had presented scenes of the most appalling character—were the people of Massachusetts roused? Surely some hints of invasion had been given; moccason tracks were in the path; the rifle and tomahawk of the Indian gleamed among the trees; the knife was stained with the blood of their own relatives: yet Massachusetts alone was that speck of earth, in the United States, where no indignant feeling glowed—no tear of sympathy was shed—no blush for the wounded honor of our country mantled on their statesmen's cheek.

Now, sir, I ask, can this committee, with all these facts staring them in the face, say, that Massachusetts is entitled to the allowance of this claim? To whom is it to be paid? Not even to the men who served "almost three months." No, sir. Those men have been paid long since. It is the *State* of Massachusetts that urges this claim, in its corporate capacity. The Governor and the Legislature were responsible to these troops. The individuals cannot suffer. The question now, therefore, is between the State authorities and the United States. If we give them any thing, it must be only for their fathers' sakes, and the immortality of their fathers speaks better things than the blood of Abel. Against whom was all the resistance of Massachusetts displayed? (and they resisted manfully) was it against a foreign enemy? or was it against the Government of the United States? Whose blood was it that

they were most ready to shed? For the language held by Massachusetts at that day, in remonstrances of the people to the Legislature, (and by it deemed appealing and pathetic,) was, that they would "resist even unto blood." This language was not applied to the invaders of this country. I beg leave to assure the friends of this bill, that my objections to this claim are founded in principle.

I know that the rising generation in Massachusetts have become supporters of this Government, by the declarations of the Governor and both branches of the Legislature. But are we to pay the claim because they will be dutiful hereafter? Will it be said that the General Government ought to have taken steps to put an end to such a state of things? If steps, at the necessary crisis, had been taken—if officers had been sent to the Governor of Massachusetts—the state of feeling there was so violent, in resistance to the General Government, that your officers would have been crucified. Did not the authorities of that State tell the President of the United States, that he was no officer of the Government? that he was unfit for his station, and that he must surrender up his power? Under these circumstances, would it have been proper for the General Government to have invaded Massachusetts, by the march of an army, if we had had troops to spare on such an enterprise? Were not that people prepared to "resist unto blood?"

On the 9th of October, twelve delegates were appointed by the Legislature to attend the Convention which was to meet at Hartford. The convention met, deliberated, and reported their proceedings at Hartford, which were approved by the Legislature of Massachusetts, on the 25th of January, 1815, by resolution of that body. The Governor was authorized to appoint commissioners to repair to the city of Washington, for the purpose of carrying into effect the objects of this convention.

Their diabolical plans were not executed. Higher destinies awaited this country. Peace was restored; the Union was preserved. During this period, the 8th of January, so memorable in our history, had been inscribed in the calendar of our national days—that day which had so happily illustrated our national character. 'Tis the brightest and proudest day which this country has witnessed within nearly half a century. But, sir, I will not—nay, I cannot—utter the feelings which I cherish in the recollection of that day. It beggared the annals of the world, in the brilliancy of its achievements. It will be remembered by every American as glorious to this country, and incalculable in its results. Can this committee, with all these circumstances placed before them, say that this claim shall be paid?

But, we are told, that the good people ought not to be mulcted for the conduct of their officers. Their officers were of their own creation. They were re-elected by a majority of the State, with a knowledge that their politics

were at war with the nation's safety. The individuals have been paid. The State, in its character, resisted the power of the General Government. Now, it is the business of that Government to withhold from Massachusetts a sum to which she has no right, no claim, in law or equity. In future we shall have no more talk about conscriptions. Let the Governor, the Legislature, and some of those eloquent leaders whose influence was so great at that day, compromise this matter with their own people. They will not again, at a period so momentous, impede the General Government in its march against foreign aggression. Let Massachusetts learn to feel and co-operate with her sister States. Let her, hereafter, make common cause in defence of our republican institutions, and no difficulties can arise in the payment of her troops. The war in which she refused to co-operate, was a war for maritime rights, and the interests of commerce. We are told that Massachusetts has six hundred miles of seaboard. She has her ships and her sailors, whilst other States of the Union have neither. The war grew out of the interests of the States bordering on the Atlantic. In the mountains we were safe, secure in our fastnesses: the enemy could not approach us. Did we wait until the enemy invaded our firesides? No! But when the New England States suffered by outrages, committed on her citizens and her commerce, national pride swelled in our bosoms. We had not our brothers and sons impressed by the enemy. The mountains of the West intrenched us. We, too, could have objected, on the ground of constitutional scruples, to a participation in that war. It was not done. The limits of the continent were not too broad for our militia. They would have marched to the Rocky Mountains—nay, even to the shores of the Pacific, if the national safety had required them to do so. When our armies were without supplies, in the land of an enemy, not one murmur escaped them against the General Government. On this floor, our Representatives, true to the national interest, throughout the struggle, declared the will of their constituents. But one feeling was cherished by them, and that was an anxious solicitude for the preservation of our liberty, cost what it would. When peace was restored, we claimed nothing of the General Government but what we were fairly entitled to, by the conditions of service.

If Massachusetts had pursued a similar course, not a voice would have been heard, to-day, in opposition to this claim. She chose a different course, and it is but justice that she should realize its consequences.

On motion of Mr. DWIGHT, the committee rose, and the House adjourned.

MONDAY, March 27.

*United States and South America.*

The resolution offered by Mr. WICKLIFFE, on

Saturday last, relative to the *pledge* said to have been given by our Minister to Mexico, came up as the unfinished business.

Mr. VERPLANCK observed, that, in this resolution, the character of our Minister seemed to him to be confounded with another, and a much more important subject: to avoid this, he had prepared another resolution, which he wished now to offer as an amendment, to come in after the word "Resolved."

"That the Committee on Foreign Relations be instructed to inquire and report to this House, whether the United States has, in any manner, by any authority recognized by the constitution, made any pledge to the Governments of Mexico and South America, that the United States would not permit the interference of any foreign power with the independence or form of Government of those nations? in what manner? and to what extent?"

Mr. WICKLIFFE expressed his approbation of the amendment, which he accepted as a modification of his resolution. He disclaimed, however, all intention of making any attack upon our Minister to Mexico: he felt not the slightest hostility to that gentleman, for whom, on the contrary, he entertained great respect; his only wish had been to obtain an expression of the sense of this House, as to an important declaration of one who was the acknowledged and responsible organ of this Government.

Mr. MALLARY said, that he was glad the resolution had been offered—his only objection was to the form in which the subject was referred. When information was wished for, touching our foreign relations, it had been usual for this House to direct its call to the Executive, and not to one of its own committees. A highly respectable individual had gone abroad as our diplomatic agent to a neighboring Republic—he had, in his intercourse with that Government, made a declaration which appeared to have excited great interest. This was to have been expected—it was right it should—it was natural that the nation should wish to know how far they are understood by other Governments, as pledged to a particular line of policy. The present was a very proper inquiry, as going to correct false impressions, if any had been received, and presenting an occasion on which the House might, if it thought fit, make a stand as to the policy to be pursued by this Government. It was highly expedient that the facts of this case should be fully known.

The reference of our Minister seemed to him to be to no other pledge than that which may be understood as given in Mr. Monroe's message. Yet, when that message was closely examined, it would be found to contain no express pledge as to what this Government would *do* in the case supposed.

[Here Mr. M. quoted the part of the message referred to.]

Here, sir, is nothing so very alarming, unless it be considered as *preparing* the way for a future war—it gives no pledge to that effect—

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yet its language is such that an inference may, by possibility, be drawn from it, that this Government is committed to the South American States to an extent farther than it is committed to the rest of the world. But the language held by our Minister is not of this vague and indefinite description—it is explicit—it is decisive—and, if the Government have taken the ground he states, I think it deserves the most serious consideration, and that speedily.

I own, sir, that I can conceive a state of things to occur in relation to these Republics which might induce us to change the policy we have thus far pursued—but it is a state of things most unlikely to happen. If all the European Governments should combine and commence a crusade against Republican Governments as such, and should commence their operations by an invasion of the South American States in our immediate vicinity, a serious question might present itself, how far we ought, in self-defence, to take the ground intimated by President Monroe, and maintain it by force of arms. But no such state of things exists, or seems likely to exist; the inquiry, however, is proper, and ought to be made.

Mr. POWELL moved to amend the resolution, as now modified, by striking out all after the word "Resolved," and inserting the following:

"That the President of the United States be requested to inform this House whether the United States have, in any manner, made any pledge to the Governments of Mexico and South America, that the United States would not permit the interference of any foreign power with the independence or form of Government of those nations; and, if so, in what manner? and to what extent?"

Mr. P. said, that, as he understood the gentleman from Kentucky, (Mr. WICKLIFFE,) the object of that gentleman and his own were, in substance, the same—their propositions differed only in the mode by which that object was to be attained. His resolution, Mr. P. said, proposed to direct the inquiry to be made by the Committee on Foreign Affairs, mine directs the inquiry immediately to the Executive. I think the latter course is the most proper and becoming. That proposed by the gentleman is unusual. The Parliamentary practice, when even a committee of this House wants any information touching our foreign relations, is to ask it through the House, and of the President; and though I should be far from sacrificing principle to considerations of courtesy, yet, when the principle is the same, I prefer that course which is most courteous to a co-ordinate branch of the Government—and I think it is in the present case more courteous for this House to ask the information in question from the President of the United States, than from one of its own committees. It is certainly very important that this House should have the knowledge whether this country does or does not stand pledged in the manner stated. I should like to obtain the opinion of the President himself on

this point: I should like to know whether the Executive believes that this Government is under any such pledge. If such is the opinion, and still more, if such is the wish, of the Administration, I am very far from believing it is sanctioned by the people of the United States; and it is highly proper, that, on so serious a matter, the people should be informed directly by the President himself.

Mr. WICKLIFFE observed, that, if the resolution proposed by the gentleman from Virginia, had called for a copy of the instructions given to our Minister, he should have had no objection to its adoption; but it called for information only as to what authority the Minister had to say that the Government is pledged. For himself, he was not much acquainted with diplomacy—and he was not certain whether a call like that proposed would induce the President to send the instructions. What, asked Mr. W., are we to have? Are we only to get an answer, saying that the expression of the Minister appears only to refer to the message of President Monroe? His own object was to bring out an expression by the officers of this Government of their understanding whether such a pledge was or ought to be given. He should have drawn his resolution so as to include a copy of the letter of instructions, but he knew that it was usual for the President to send such documents as are called for by the House, and it might be improper to send the entire letter, as part of it might relate to pending negotiations; a treaty with Mexico is still in *flori*, and he did not wish a disclosure of any thing that might be injurious to the public interest. He had accomplished the end for which he had first introduced his resolution. He had presented to the House the objectionable part of what had been submitted in our negotiations, and in this matter had done his duty; the House would now dispose of the matter as they might deem most expedient; if they wish the opinion of the President in preference to the sight of documents filed with him, he was content, and should make no objection to that course.

Mr. POWELL answered, that, in offering his amendment, he had not for a moment contemplated the calling for copies of the Minister's instructions. He could not, by any means, sanction a call of that kind; and if it were proposed by others, he should vote against it. All he wished to ask was, whether the Minister had authority for the language he used; and, if he had, from whence it was derived? The response must be a plain one. If he had authority, the President will answer affirmatively, and will also, if he acts towards this House in good faith, disclose what is that authority, and where it is to be found. If instructions to this effect have been given by the Secretary of State, he will say so; if Mr. Poinsett only referred to the message of President Monroe, he will tell us that; and if the declaration was made without any authority at all, he can tell



us that. In the latter case, the Government is bound, on every consideration, to let it be distinctly known that there exists no such pledge. Sir, I feel very confident that this is the case; and I hold, not only that there is no such pledge, but that there ought not to be; and, if there has such a pledge been given, I, for one, am prepared to resist it to the utmost extremity, in which the law and the constitution will support me. I hold such engagements by the Executive to be dangerous and unwarrantable.

Mr. HAMILTON, in rising to submit an amendment, observed, that, if the House made any inquiry, he thought they ought to make one immediately pertinent to the subject under discussion. Although he believed there was abundant evidence, from the documents which had accompanied the President's message, that our Minister was justified, either by the letter or spirit of his instructions, to hold the language which he had done on the occasion of this memorable pledge, yet, if we do inquire, let us go to the pith and marrow of the thing at once, and ask for a copy of Mr. Clay's answer to Mr. Poinsett's letter of the 28th September, where our Minister relates his conference with the Mexican Plenipotentiaries. He hoped that the gentleman from Virginia would accept his amendment as a substitute for his entire resolution, and if that gentleman desired to add any thing to it, he was willing it should be in the shape of an explicit call for more facts, more documents, and not for opinions and arguments.

Mr. H. said he confessed that he was, in the first place, opposed to any call on the subject, because he thought it an act of supererogation, as the very point of inquiry was sufficiently elucidated by the information we already possessed; but he confessed he entertained the most unreserved and decided objections to the shape in which the gentleman from Virginia had thrown his inquiry. It seemed to him merely to furnish the President with a friendly admonition, that some new flaw had been discovered in this splendid project of his Secretary of State, and we should then have another long homily, *ad captandum*, "to wash the Black-a-Moor white." Now, sir, let us confine our Chief Magistrate to facts, and endeavor to restrain the excursions of that genius which seems happiest in declamation; which supplies, with abundant facility, the *argument* (in spite of the fetters of the correspondence of his own Ministers) just at the point it is wanted, either for popular effect, or general proselytism. He confessed that he felt some apprehension, he could not say alarm, that, if the gentleman's resolution prevailed, he should have a most ingenious disclaimer from the President, in a highly beautiful and eloquent dissertation, got up for the taste of the lovers of fine writing and sentiment, without one jot of a plain matter-of-fact substance in the whole paper. And he, for one, was at least desirous that he should give us a *certain* letter, if there was a *certain*

letter; or to assign an adequate reason for its non-existence, or non-production.

Mr. H. then moved to amend the amendment of Mr. POWELL, by striking out all after the word *requested*, and inserting the following:

"To transmit to this House a copy of the answer of the Secretary of State to Mr. Poinsett's letter to Mr. Clay, dated Mexico, 28th September, 1825."

Mr. POWELL replied, that if the gentleman from South Carolina believed that he would co-operate in the process of *whitewashing* the acts of the President of the United States, or of any other functionary of the Government, he was greatly mistaken. He did not come here blindly to pursue a course prescribed to him, nor dishonestly to conceal the defects of the officers of Government. The resolution he had offered, was dictated by no such motives—he had, in the discharge of his duty as a Representative, endeavored that it should be distinctly known to the nation, whether any pledge had been given to a foreign Government, which might involve this country in the quarrels of other nations. He considered this due to the Executive, and to the Minister too. Sir, I did say that I believed no such pledge to exist. I do believe so, and I hope, I earnestly hope, I shall be sustained by the facts when they are disclosed. I shall certainly regret it exceedingly, if I am not. I shall regret it, sir, because I always regret to see the officers of my Government act improperly; and I shall be unfeignedly sorry, if it should turn out that the President of the United States has ventured on such a high-handed measure as seems to be imputed to him.

Sir, I cannot accede to the proposition of the gentleman from South Carolina: it completely defeats the end I had in view. What I want to know is, whether Mr. Poinsett made this declaration by authority or not. This, sir, is a fact, not an argument—he was authorized, or he was not; and the fact must be stated. Then it may be followed by any explanations or palliations, which the Executive may judge proper. And, should the fact turn out that such a pledge has been authorized, however I may disapprove of the course, I hope this House will not be indisposed to listen to any explanations the President may offer.

The gentleman from South Carolina wants a copy of the reply of the Secretary of State. Sir, that reply may not answer our inquiry: it may not even advert to the pledge at all. I want to know from whence the Minister derived his authority. If any gentleman would prefer to have the call contain the usual restriction with reference to disclosures, in the President's opinion, injurious to the public welfare, I have no objection to its being added. But the point I aim at, is the authority for the pledge—and I cannot consent to strike out the proposed part of my resolution, or to adopt that of the gentleman from South Carolina, under any other conditions than the securing

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of this inquiry. The answer of Mr. Clay may, very possibly, contain matters which it would be very indiscreet to publish to the world. Sir, I care not one cent whether Mr. Clay reprobated the conduct of the Minister or not: his censures will not answer my inquiry. He may censure Mr. Poinsett ever so severely, and yet the pledge may, nevertheless, have been given, and it may have been warranted.

Mr. DRAYTON regretted that so protracted a discussion should have taken place in reference to what he could not but consider as an apparent, and not a real difference. He conceived the difference was occasioned by a mere misapprehension. The object of the gentleman from Virginia meets the idea of his colleague from South Carolina, and the proposition of his colleague is not at variance with that of the gentleman from Virginia; one proposition was more general—the other more specific. He had, therefore, risen to propose to his colleague, to let both propositions stand. The Executive will then be called on first to answer the query of the gentleman from Virginia, and then to transmit the letter of Mr. Clay.

Mr. HAMILTON said he wished to make a single remark, in reply to the gentleman from Virginia. I do not desire, said Mr. H., by useless opposition to mere matters, apparently, of form, to protract the debate, or consume the time of the House. But I feel great reluctance in assenting to his proposition, that I should modify my amendment, and restrict the call, only, to *certain parts* of Mr. Clay's letter, in answer to Mr. Poinsett's, of the 28th September, 1825. It is true, in diplomacy, as in mathematics, that certain parts, *only*, are not equal to the whole: and I think, that the manner in which a co-ordinate branch of Congress has been treated, on this very subject, ought to admonish us of the imprudence of allowing, under an over-nice and cautious discretion, too wide a latitude to those who hold the shears, who are able, in the record, to cut in and cut out, just as suits their convenience or necessity. The very different exhibition which the documents, on the same subject, makes before each House, now, shows to what purposes of practical utility these angular cuts, in and out, may be applied. He could not, therefore, consent to this modification, unless advised by the indication of a general wish, on the part of the House, that it should be instituted.

Before he took his seat, Mr. H. said that he must be allowed to say one word to the gentleman from Virginia, who had declared that he did not believe Mr. Poinsett had had any authority from his own Government, to hold the language which he had held to the Mexican Plenipotentiaries, which is disclosed in the despatch to Mr. Clay, No. 22. A contrary belief, with him, he confessed, was strengthened, by a confidence which he had in the discretion and intelligence of Mr. Poinsett, whom, he believed, was incapable of holding such language except by the unreserved sanction of his Gov-

ernment. Did I say *believed*? said Mr. H. I might, more properly, use a stronger term: for here [holding up the documents] I have the proof: ay, not collateral or contingent, but direct and positive. In a more essential particular—as to the meaning of the Government—what does Mr. Clay say, in his letter to Mr. Poinsett, under date the 9th November, 1825, in which he goes the whole, *in extenso*, on the subject of the pledge?

“There is a striking inconsistency in the line of policy which the United Mexican States would seem disposed to pursue towards the United States. They would regard these States as an American nation or not, accordingly as it shall suit their own purposes. In respect to commerce, they would look upon us as a European nation, to be excluded from the enjoyment of privileges conceded to other American nations. But when an attack is imagined to be menaced by Europe, upon the independence of the United Mexican States, then an appeal is made to those fraternal sympathies which are justly supposed to belong to our condition as a member of the American Family. No longer than about three months ago, when an invasion by France, of the island of Cuba, was believed at Mexico, the United Mexican Government promptly called upon the Government of the United States, through you, to *fulfil* the memorable pledge of the President of the United States in his message to Congress, of December, 1823. What they would have done, had the contingency happened, may be inferred from a despatch to the American Minister at Paris, a copy of which is herewith sent, which you are authorized to read to the Plenipotentiaries of the United Mexican States.”

The contingency of our interference, then, in the event of the island of Cuba being invaded by France, or, ergo, by any other European power, is one, and the most important, illustration which the Administration puts on Mr. Monroe's pledge of December, 1823. Now, I will ask any man who hears me, whether the invasion of Cuba by a European power, or its peaceful transfer, is not a much more probable event than any attempted colonization of the American continents, or any concerted effort of the combined powers of Europe against the independence of the South American Republics? Our Secretary of State, in authorizing Mr. Poinsett to read this despatch of Mr. Brown's to the Mexican Plenipotentiaries, has indeed authorized him to pledge Mr. Monroe's memorable *declaration* (not pledge) in the only contingency of *probable* danger that is ever likely to occur. The Secretary of State has indeed taken the bull by the horns, and it is useless for us to talk about what Mr. Poinsett may have said in a loose diplomatic talk, *arguendo*, when, by virtue of the previous instructions, he was subsequently authorized to pledge the country as bail for the whole sum of a larger and more probable danger. The House will appreciate the truth of this remark when they weigh the import of Mr. Clay's letter to Mr. Brown, in which he instructs him to

say to the French Government, that "*we could not consent to the occupation of Cuba by any other European power than Spain, under any contingency whatever.*" This consent must mean fight, or it is sheer bullying. This, then, is the commentary which the Administration have given to Mr. Monroe's mere expression of an opinion; they have made it applicable to an event altogether probable and full of danger. Whereas, Mr. Poinsett's had reference to an improbable contingency, although no doubt with instructions. For what man, who does not participate in the dreams of the hero of Cervantes, believes that the powers of Europe will undertake a crusade to re-colonize the South American Republics, or assail their independence? But, that Spain may transfer Cuba, and that it may be occupied by a European power, under circumstances which would render it folly, or something worse, for us to interfere, is, to say the least of it, not beyond the pale of a reasonable possibility. Mr. Poinsett has, therefore, given the pledge of his Government, under a contingency where we shall never be called upon to redeem it. Mr. Clay has authorized him to stake it, where the hazard is probable, perilous, and, perhaps, immediate.

I think, therefore, having discovered that the Administration has given the most comprehensive range to the *declaration* in question, which they have made a *pledge*, it supercedes the necessity of an inquiry on a subordinate point; though, I repeat, if we are to have an inquiry, let us have facts, not imposing and seductive statements, in which a pretty eloquence of a *certain kind*, is to stand in the place of every thing else.

Mr. TRIMBLE said that he had no other information on the subject before the House, than that which had been printed, and laid upon the tables of all the members; but, from an examination of these, he felt fully satisfied that no such pledge had been given, as gentlemen seemed to apprehend, nor had any authority been given to make such a pledge. He had risen to correct a mistake of the gentleman from South Carolina, (Mr. HAMILTON,) in the exposition he had given of Mr. Monroe's message. [Here Mr. T. quoted the letter of Mr. Clay to Mr. Poinsett, and of the former Secretary of State, to the American Minister at Paris.] All that is contained in this despatch amounts to this—that we will not consent that any other power than Spain shall take possession of the provinces immediately in our own vicinity. Now, I ask of gentlemen, if we ought to consent? Certainly not: and this is all the letter, as expounded by reference to former instructions, declares. How far we should be inclined to go, in extremities, we do not say; nor is it prudent that we should. At the time the late President Monroe sent his Message to Congress, in which the declaration is made, which has been so often referred to, a congress of allied sovereigns had been held at

Troppan and Laybach, and another was proposed at Verona. The labor of these congresses had been, in part, made public; and a communication is said to have been, in consequence, made, in some way, by the British Government to that of the United States. A clause of the secret treaty of Verona contained the following declaration:

"Art. 1. The high contracting parties, well convinced that the system of Representative Government is as incompatible with the monarchical principle as the maxim of the sovereignty of the people is opposed to the principle of divine right, engage, in the most solemn manner, to employ all their means, and unite all their efforts, to put an end to the system of Representative Government, wherever it is known to exist, in the States of Europe, and to prevent it from being introduced into those States where it is not known."

To this Article, all the allied sovereigns were mutually pledged. The British Government, conceiving these principles to be aimed, in part, at the principles of their free constitution, became alarmed, and signified that they were ready to go hand in hand with this Government, so far as the United States would go, in protecting the Governments of South America.

Mr. T. said he did not know of any official authority for this statement, but this was the account published at the time, and generally credited. It was after this that the late President sent his message to this House. But though I do not know that this communication actually was made by the Government of Great Britain to our Government, I do know that the British acted precisely as they might have been expected to do, if such were the fact; and it was under such circumstances that the message was sent, and by which its meaning is to be illustrated. Sir, what did the people of the United States say, or what will they now say to these words of the allied sovereigns? And what would they say if an attempt should be made to enforce these doctrines, at the point of the bayonet? Sir, I am willing to leave the people of the United States to judge how far this messages pledges us to an alliance in aid of the South American States. It is said that we are pledged, and this pledge is said to refer to President Monroe's Message; and Mr. Clay, in explaining it, refers to the letter to the Minister at Paris, to show what the United States would do, in case of extremities. And what does that letter say? It only says that we will in no case *consent* to the seizure of the South American States, by any European power except Spain. It goes no further. As to the present call, I am disposed to make it as broad as gentlemen can wish, because I am satisfied no other pledge than what I have explained has ever been given.

Mr. LETOHER said he thought an amendment might be suggested which would meet the wishes of all. His colleague (Mr. WICKLIFFE) wished to ascertain whether the American Government is under pledge to aid Mexico, in case

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she shall be attacked, and to bear the brunt of such an enterprise? I wish the same. I wish it as one of the American people; because all the people have a deep interest in knowing the fact. The proper source from which this knowledge is to be obtained, is the President of the United States. But the gentleman from South Carolina is apprehensive that, if we apply to the President, his reply will be accompanied with sundry arguments and explanations—that there will be a great deal of *whitewashing*, and little satisfactory information.

Sir, the gentleman need not be alarmed. The President is to be called upon simply to say, whether the language of our Minister is from authority or no? The answer will, it must, state the fact. If this statement shall afterwards be followed by ever so much argument, or whitewashing, it is of little moment—the fact will speak for itself. But the gentleman proposes to call for a letter of the Secretary of State. Sir, I know nothing about the letter alluded to; but it is not improbable that that letter may contain something which is calculated to affect the pending negotiations with Mexico. I presume an amendment can be offered which will meet the wishes both of my colleague and of the gentleman from South Carolina. I offer the following as a substitute for the resolution as amended.

Mr. L. was here about to offer a substitute, when—

The SPEAKER said, the gentleman must be aware that no substitute could be in order, not being admitted by the rule of the House.

Mr. FORSYTH and Mr. WRIGHT now rose to address the House; but the SPEAKER announced that the hour allotted to resolutions had expired; and was proceeding to the Orders of the Day, when—

Mr. WICKLIFFE moved to postpone the Orders of the Day, for the purpose of proceeding with the present discussion.

The motion prevailed—Ayes 82, Noes 71; and the debate was accordingly resumed.

Mr. WRIGHT said, the aspect in which the proposition before the House presented itself to his mind, was somewhat different from any he had heard stated in the course of the discussion. Mr. Poinsett, in his letter of the 28th of September, 1823, detailing a conversation held by him, with the Ministers of the Mexican Government, in relation to the proposition in a pending negotiation, to place this country on a footing of equality with the other American Republics, states, that he observed, "that, against the power of Spain, they [the United Mexican States] had given sufficient proof that they required no assistance, and the United States had pledged themselves not to permit any other power to interfere either with their independence, or form of Government; and that, as in the event of such an attempt being made by the powers of Europe, we should be compelled to take the most active and efficient part, and to bear the brunt of the contest," it was not just

that we should be placed on a more unfavorable footing than the other American Republics. This has been treated as though understood to be the *offer of a pledge*, by Mr. Poinsett, to the Mexican Minister. The language he uses, in my opinion, clearly imports no such thing. It speaks of something *past*—a pledge that *had been* made by the United States—not of one offered by him, or that had been offered by him, then, or at any other time: of one *before* made by the United States to the world, or to the powers of Europe. He evidently alludes to nothing that he had done, in obedience to instructions, or without instructions. The allusion, most palpably, is to the declaration made by the late President, in his message, at the opening of the last Congress, and must have been so understood. In that message, the then President declares to the European powers that it did not comport with our policy to interfere in any manner with their concerns, in their own quarter of the world, but that we could not view, without concern, any attempt to interfere with the Republics in this hemisphere, and that any attempt on their part, so to interfere, would be viewed by us "as dangerous to our peace and safety," as manifesting "an unfriendly disposition towards the United States." This declaration of the President is, unquestionably, what Mr. Poinsett alluded to, and his language evidences his interpretation of the passage. I will not discuss the proposition whether this declaration pledges the United States to any particular course, to repel measures dangerous to our peace. That question need not now be examined, but its solution is not doubtful.

But, sir, this view satisfies me that the proposition of the gentleman from South Carolina, (Mr. HAMILTON,) coupled with his suggestion to the gentleman from Virginia, (Mr. POWELL,) does not indicate the true course for us to pursue. If the object be, as I understand it, to acquire information whether Mr. Poinsett's declaration was authorized by the Executive, it is obvious that a call only for the *answer* of the Secretary to Mr. Poinsett's letter, will not elicit it. The *authority* for the pledge, as well as the pledge itself, had existence prior to the date of the letter detailing the conversation about it. You might, from that answer, learn whether the Executive animadverted on the remarks of Mr. Poinsett; whether he censured him for an unauthorized act, or recognized his power, and commended its execution; or you might discover an omission to notice the subject at all. Grant, for one moment, that this is found to be the case; you might *infer*, from the omission, the existence of the authority, but we should have no distinct evidence of any authority being given. This proposition, then, will fail on its object, and cannot obtain for us any useful information.

I prefer the proposition of the gentleman from Virginia to that of the gentleman from Kentucky, as modified on the suggestion of the gentleman from New York. If you want in-

formation, you must seek it where it is to be had, in the Executive department of your Government. The committee have no more information than we have. In directing your inquiry to the committee, you can get nothing. Direct it to the President, and you may get useful information. I want all the facts connected with the subject, and am in favor of asking for the information where I know it can be had. When we get it, then it will be time enough to direct our committee. But I am satisfied that it will be found that the only authority the Minister at Mexico had, was the message of the late President of the United States.

Mr. WEBSTER said he was very unwilling to anticipate a discussion which seemed properly to belong to a future occasion. He wished to abstain, at present, from every thing not immediately pertinent to the pending question. Sufficient for the day was the evil thereof. An occasion was approaching when it would, probably, be more proper to debate many of the important topics which had now been adverted to.

He could have no objection to any proper inquiry, on this, or any occasion. He regretted the present motion only, as it might, perhaps, imply a censure on an officer of the Government abroad, when no censure might be deserved. He did not feel at all certain that great blame attached anywhere. Mr. Poinsett's expression might be somewhat too strong. Probably it was so: but still he thought it was quite evident that he referred to the message of December, 1823, and, therefore, his meaning was apparent enough. He (Mr. W.) felt a good deal unwilling to impute blame, in a case where nothing was apparently wrong, but the mode of expression; and where it did not appear that anybody had been misled. Still, there are several gentlemen who have expressed a confident opinion that Mr. Poinsett had some authority, more than we know, for his declarations. He must, they say, have instructions, the letter or spirit of which bears him out in giving a pledge to the Mexican Government. For his part, he (Mr. W.) should be very much disappointed if it did not turn out that Mr. Poinsett spoke on no other authority than Mr. Monroe's public message. He was confident it was so. The whole document convinced him of that. But as gentlemen thought otherwise—as they insisted that Mr. Poinsett must have had some direct and complete authority for what he had said, he was in favor of the inquiry, for the satisfaction of such gentlemen.

As to the declaration of the President, in 1823, the circumstances which led, probably, to that declaration, had been stated, in general, by an honorable member from Kentucky. The proceedings of the allied powers, at Troppau, Laybach, and Verona, were well remembered; and, in the course of the very year then expiring, the King of Spain had been established on his throne by the army of France. This army had marched into Spain, with the consent of the other powers of Europe, except England.

It had accomplished its objects. Ferdinand had been reinstated, by foreign force, in all his prerogatives. Under these circumstances, the question was, how is it likely the allied powers will act towards the former Spanish colonies in America. Having succeeded in establishing such a government as suited them in Spain, herself, would they not, or might they not, be willing to go farther, and to assist the Spanish monarch in reconquering his rebellious provinces? It was possible they might do this—perhaps it was not very improbable. At this juncture, the President's declaration was made. It was wrapped up, he would not say in mysticism, but certainly in phrases sufficiently cautious. The amount of it was, that this Government could not look with indifference on any combination among other powers, to assist Spain in her war against the South American States; that we could not but consider any such combination as dangerous or unfriendly to us: and that if it should be formed, it would be for the competent authorities of this Government to decide, when the case arose, what course our duty and our interest should require us to pursue.

This was the substance of the declaration. He believed he might be, perhaps, the only member who, at that time, suggested, that this declaration, with all restrictions, was necessary to preserve our neutrality. It must, of course, happen, in every Government, that the Executive should undertake to speak, towards foreign nations, of the wishes and objects of the Government. It cannot be otherwise. But this it does on its responsibility. General Washington proclaimed neutrality at the breaking out of the great European wars. But it was competent to the two Houses to present him a law, the next day, declaring war. The intercourse of nations could hardly go on, and one great end of an Executive would be defeated, if it could not venture, on proper occasions, to express the views and wishes of the Government. It is responsible for this as for its other acts.

Now he (Mr. W.) had no question but that Mr. Poinsett was referring, merely, to this declaration. He did not speak of any pledge as given by him, or through him. He gave no present pledge or assurance of any kind. He was, evidently, speaking of something precedent—something notorious; and that something was the declaration of 1823. Now, making allowance for incorrectness of expression, he saw nothing wrong. If he called any thing by a wrong name—if he called that a pledge which was no pledge—still it does not appear that he deceived them, or meant to deceive them with whom he dealt.

He was willing, also, to call for the answer to this letter, for, although he did not see how the letter could rest, for its authority, on a subsequent one, he had no objection to see the whole.

Mr. BUCHANAN said he would vote in favor of the amendment which had been proposed

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by the gentleman from New York, (Mr. VERPLANCK,) and against all the subsequent amendments which had been moved. He would proceed to give his reasons.

I presume, said Mr. B., the gentleman from Massachusetts, (Mr. WEBSTER,) among others, alluded to me, when he stated that some gentleman had expressed an *opinion* that our Minister to Mexico had authority to make the declaration which he made to the Government of that country. I had other grounds for this belief besides *mere opinion*. It rests upon the uniform policy of the Executive branch of this Government, for several months past, as disclosed by the documents upon our table.

The gentleman from Massachusetts (Mr. WEBSTER) is not certain there is any blame anywhere. This opinion, in my judgment, cannot be supported. Had not Mexico refused to us the same treaty stipulation which she had granted to the Southern Republics? Had not the negotiation arrived at a crisis? Was it not about to be dissolved? In this critical moment, our Minister, for the first time, declared they should grant us the same advantages, because we stood in the same relative situation towards them with the other Republics of this hemisphere. We stood pledged to support both their independence and their form of Government, against any power except Spain, which should attempt to interfere with either. If Mr. Poinsett has obtained a treaty upon false and unfounded declarations of this nature, he is much, very much, to blame. But this is not all. He has proceeded much further. In the latter part of the same letter, he states as follows: "I then recapitulated the course of policy pursued towards the Spanish colonies, by our Government, which had so largely contributed to secure their independence, and enable them to take their station among the nations of the earth: *and declared what further we were ready to do in order to defend their rights and liberties; but that this could only be expected from us, and could only be accomplished by a strict union of all the American Republics, on terms of perfect equality and reciprocity.*"

Sir, said Mr. B., I wish to see the answer of the Secretary of State to Mr. Poinsett's letter. In that letter he has certainly given a full and candid exposition of the state of the negotiation. It brought home distinctly to the knowledge of our Government, what kind of a treaty their Minister had demanded, and the stipulations he had made for the purpose of obtaining it. If the answer to this letter should approve his conduct, in general terms; nay, if it should be silent upon the subject, the inference is irresistible, that our Executive wished the Mexican Government to grant us a treaty, under the impressions which had been made by his declarations. If they had not resolved to pursue this course of policy, it was their duty, promptly and decidedly, to disavow the declaration of their Minister. A tacit consent is equally strong, and equally binding with an express

assent. If our Government should obtain and accept a treaty upon the terms stated to the Mexican Government by Mr. Poinsett, it would be a violation of every principle of good faith among nations, afterwards to attempt to extricate ourselves from the pledge, by declaring that he had no instructions to make such a stipulation.

Independent of any express instructions, there is sufficient evidence in the documents before us, to create a belief, that our Minister was not mistaken in the general policy and views of the Executive. When our Government was invited to send Ministers to Panama, the terms of the invitation were explicit; they could not be mistaken. We were informed that the two principal subjects which would engage the attention of the Congress, so far as the United States were concerned, would be our "resistance or opposition to the interference of any neutral nation, in the question and war of independence, between the new powers of the continent and Spain," and our "opposition to colonization in America by the European Powers." Mr. Oregon tells us, "after these two principal subjects, the Representatives of the United States may be occupied upon others." Having presented this plain exposition of the views of his Government, he invited us to send Representatives to the Congress of Panama, "with express instructions in their credentials, upon the two principal questions." The letter of Mr. Salazar contains, substantially, the same declarations.

Does the answer of the Secretary of State contain a whisper of dissent from the terms of this invitation? Do we accept the invitation conditionally? Do we declare we could enter into no treaty of alliance, for the purpose of carrying into effect the objects which the Southern Republics had in view? No, sir. On the contrary, the invitation was accepted in the most general terms. There is one part of the letter of Mr. Salazar relating to this subject, which deserves particular attention: he states, that "this is a matter of immediate utility to the American States that are at war with Spain, *and is in accordance with the repeated declarations and protests of the Cabinet at Washington.*" Was Mr. Salazar mistaken, and, if he were, why did not the Cabinet correct the mistake? Mr. B. observed, that he thought he had sufficiently shown it was not a mere opinion, without facts to support it, which had induced him to believe Mr. Poinsett was authorized to make the declarations which he had made to the Mexican Government.

I confess, said Mr. B., it appears to me, that the great danger of the mission to Panama is, that our Government will there pursue this course of policy. If I shall be convinced this will not be the case, I will give my consent to the mission. As to Cuba and Porto Rico, I echo the sentiments of the President with all my heart. I would not agree that any nation on earth should wrest those islands from the

dominion of Spain. With the exception of England, there is no Government in existence that I would not rather see in possession of them than the Government of Mexico.

The United States have had sufficient experience of the inconvenience and the danger of entangling alliances. We once entered into such a treaty with France, and we were compelled to buy ourselves off at a great sacrifice. It is not my wish, said Mr. B., to be understood that this Government ought not, under any circumstances, to defend the independence of the Southern Republics. The principle for which I contend, is, that we should not be bound to do so by treaty, but be left free to act, with a proper regard to our own situation, when the crisis shall arrive.

This resolution should be referred to the Committee of Foreign Relations. That committee is, in its nature, confidential. Let them inquire, in the first place, and, if they want more information than they already possess, they can introduce a resolution for the purpose of obtaining it, by the authority of this House. I do not want merely the instructions which were given to Mr. Poinsett. I do not believe he received any express authority to form a treaty of alliance. It required no ghost to tell us that. I wish the committee carefully to examine all the documents which have been published, or which may be in their power, and report to this House, whether Mexico may not have been deceived, whether she had not sufficient authority to believe we were pledged to support her independence, and whether, under this false impression, she might not grant us a treaty, according to our wishes. It is better to send the subject, at once, to that committee. It will go to them without restriction. It cannot be sent to the President in that manner. We can only ask from him for such information as may be communicated without prejudice to the public interest. It is for these reasons that I give a decided preference to the amendment proposed by the gentleman from New York.

Mr. F. JOHNSON, of Kentucky, said, he intended to say but little on the subject, as so much had already been said: that it seemed to him that gentlemen were too late with objections to the declarations which had been made by Mr. Monroe. There was a time when they would have been appropriate—in 1823, about the time that Congress met, the armies of France had overthrown the Constitutional Government of Spain, and re-established Ferdinand in all his regal powers. That France, and the allied sovereigns, flushed with this success against Constitutional Government, it was believed that those powers contemplated making war on the Republics of South America and Mexico, and to re-colonize them—that, if they did make such war, it would be a war against republican principles—a war to exterminate constitutional governments: at this time it was, that Mr. Monroe, then President,

declared to this House, in his message, that it was due to the candor of this Government, to declare to the allied powers of Europe, and to France, and to the world, that this Government will not view with indifference, any attempt, on their part, to make war against those republics, for the purpose of re-colonizing them; that such a war would be considered a war against principle—a war against free Governments—that it would tend to endanger our own institutions, and disturb our peace and repose; and that, therefore, we could not be idle spectators of the conflict. This declaration was made at a moment of supposed imminent danger; and then was the time for objections; then was the time for him, who disapproved the sentiment, to speak out: or, will gentlemen say it meant nothing? Did not every one in this House know, and understand, what it meant? Yes, sir, gentlemen knew what it meant: it meant, if the allied powers of Europe and France, should make war on the South American republics, to put down and exterminate those Governments—that, having so made war against free Governments, if successful there, that the next effort would be against this country; to extinguish here the last trace of republican institutions, and establish legitimate dynasty; it was a declaration that he would not wait until they had approached our firesides—that we would meet the danger at the threshold; it was a declaration founded upon a sense of our duties, for the preservation of our liberties—the declaration, or pledge, as some call it, was not made to the Southern Republics; it was not made to France, or to England, or to the allied powers; it was no pledge to any one; it was a declaration founded upon considerations of the defence of our own institutions; it was made with a view to our own safety, and not with a view to alliances with any other Government or country; and I, for one, am not prepared to take it back. It has had its effect; the allied powers abandoned their intention of making war on Mexico and Colombia; it has given peace and security to the liberties of the Southern Republics, and has added glory to our own country. And shall we now take it back? Take it back, now the danger is over, after all the ends intended are consummated, and peace and tranquillity rests over the land! I said before, if gentlemen were not willing to stand by the declaration thus made by Mr. Monroe, they ought to have objected to it at the time. What! said Mr. J., are gentlemen willing to take that declaration back now, after it has had its effect—after it has given peace to those republics, fame and security to our own Government, and tell Europe—tell the allied powers, that it meant nothing—that it was a mere jest—the declaration of a President, without a meaning, and they ought not to have regarded it? Who is here ready to say so!—to say he will not defend the rights and liberties of his country to the last? No, sir, there is no

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gentleman, upon a recurrence of the same dangers to this country, but what would speak and act the same language. Even now, sir, would gentlemen view with indifference and unconcern, an attempt, by the allied powers, to colonize Mexico and Texas, to prostrate the efforts of that country for liberty and independence, and fix upon it a *legitimate* dynasty? Such a country, in extent, population, and fertility, coterminous to our frontiers, placed in possession of the allies, would afford to them, in their crusade against the liberties of man, a position and resources where they might concentrate a force to any amount, which they might, with great facility, wield against us, and enable them to wage a war of the most disastrous kind, which, without Mexico and Texas, they will never be able to do. Sir, the importance of such a step, on the part of the allied powers, and the serious and alarming consequences which might rise out of it to us, are too obvious to need elucidation; and, is there any one here who is prepared to say he will be indifferent to such an event? If there is, I am not the one.

I repeat, sir, that this was no pledge to any Government or to any nation. There was nothing mystical in the declaration, as some have pretended. It was an open declaration of the views of President Monroe of what was the true interest and policy, in the event then contemplated, for this country to pursue, to preserve its liberty, and to perpetuate its union. It was founded upon a consideration of our own rights and our own duties, in preserving our own institutions; and it was responded to by the people of this country—it met the approbation of all. Yes, sir, Mr. Monroe received more eclat for this act, than any other of his whole administration. And who can tell what would have happened, if this ground had not been assumed; would all have now been peace and prosperity?

But the gentleman from Pennsylvania says this has been the policy pursued by the Administration for the last three months (or few months), and that he would not sanction it. Why did the gentleman say such had been the policy pursued by the Administration for a few months past? Why did he not say for nearly three years past? Is it because, in the mean time, another President has been elected? Is it because another Administration, in part, has succeeded to the former, that the gentleman will not sanction what he expressly or tacitly approved under that former Administration? Is that the reason?

That gentleman, and also others, have said, that Mr. Poinsett has given a pledge to Mexico, in case of war on that country, that this nation will "bear the brunt of the contest." Mr. Poinsett has given no such pledge—he had no authority to make such a one. Mr. Poinsett, it is admitted, may not have been as cautious and clear in his expressions, as, perhaps, he ought to have been. He says, he told the

Mexican Minister, "that, *as in* the event of such an attempt—an attempt to re-colonize Mexico, and overturn her Government, by a war against republican principles, is to what Mr. P., in my opinion, alludes—in such an attempt," says Mr. Poinsett, "we would be compelled to take the most active part, and to bear the brunt of the contest." Were we pledged to Mexico to do so? No, sir. Are we compelled, by any treaty, with any power, to do so? No, sir. Mr. Poinsett, clearly, has allusion to the declaration of Mr. Monroe, that our own self-preservation would impel us to this course, in such an event. That, perhaps, is what he meant. If he intended to go further than the true policy of this country, in such an event, would call for, he was wrong. But who can tell what such an event might induce us to do? He was wrong, perhaps, to use the expression, without defining its extent and meaning; unless, indeed, Mexico understood it to stop at the point I have mentioned. The gentleman from South Carolina (Mr. HAMILTON) has read a part of the letter of the Secretary of State to Mr. Poinsett, in which allusion is also made to the declaration in the President's Message of the 2d December, 1823; and I, with that gentleman, think that it is sufficient to show, without further evidence, that the allusions of Mr. Poinsett were to the policy laid down in that Message; and, I presume, that, if the present Administration have said or done any thing in relation to that subject, it will be found to be in strict conformity with the principles and policy of that declaration. Gentlemen, he believed, were mistaken, in supposing that Mr. Poinsett had given any such pledge. The fact of the Mexican Minister having refused to sign the treaty, because Mr. Poinsett would not make the pledge, ought to be conclusive, that he neither has made, nor intended to make, such a pledge—he had no power to make it.

Gentlemen talk about the President's making promises, &c., which may involve us in difficulties, as if he had either the power or the inclination to do so. Sir, what can the President do? Suppose the allied sovereigns should make war on republican principles, and commence their operations in Mexico, or in any other war that shall be or may be contemplated, tending to endanger our country, what does his duty require of him to do? It is his bounden duty to watch the movements of any and all countries that shall exhibit or indicate such an intention, and communicate to this House the facts; and it is our place and our duty to adopt such measures as shall effectually and efficiently defend our country. This is all he can do in such an event, and it is all that he will do—he will not transcend his rights, by taking upon himself more than belongs to him. It remains for us to approve or disapprove the measures he may recommend, or to adopt such others, in their stead, as our judgments shall approve.



I, for one, am not prepared to take back the declaration thus made by Mr. Monroe—a declaration, founded, I repeat, with a view to our own safety and the defence of our own country; with a view to the perpetuation of our own independence and our own happiness, against the combined aggressions of the *allied sovereigns* of Europe; and not made with a view of forming entangling alliances, on our part, with any nation. A happy and glorious result has been produced; the allied powers relinquished all further designs against America—North and South: the danger is gone by—I, for one, will not take it back, and tell the allied sovereigns and the world it meant nothing.

Mr. McDUFFIE said he should be sorry if the intention of the House should be defeated by a mere question about form. For himself, he considered it as of little consequence, whether the inquiry was made by the Committee of Foreign Relations or by the House. It was of much more importance that the inquiry, in whatever mode it might be presented, should cover the whole ground. He had no objections that it should be made specific, if that form was preferred by any gentleman, but, in that case, it should be accompanied by a general modification as to disclosures injurious to the public good. He, therefore, suggested to his colleague the expediency of modifying his amendment, by adding "such parts of the answer of the Secretary of State to Mr. Poinsett's letter to Mr. Clay, dated Mexico, 28th September, 1825, and numbered 22, as relate to a *supposed pledge* of the United States," and adding to it the words moved by the gentleman from Kentucky, (Mr. LETCHER,) so that the whole should read:

"Resolved, That the President of the United States be requested to transmit to this House a copy of such parts of the answer of the Secretary of State to Mr. Poinsett's letter to Mr. Clay, dated Mexico, 28th September, 1825, and numbered 22, as relate to a *supposed pledge* of the United States; and, also, to inform the House whether the United States have, in any manner, made any pledge to the Governments of Mexico and South America, that the United States would not permit the interference of any foreign power with the independence or form of Government of those nations; and, if so, when? in what manner? and to what extent?"

Mr. HAMILTON expressed his willingness to accept of this as a modification of his amendment.

Mr. McD. proceeded: One word, sir, to the gentleman from Kentucky, (Mr. F. JOHNSON.) That gentleman assumes that the Message of President Monroe does, in effect, operate as a pledge that the United States will, by force, if necessary, resist any attempt at interference with the independence of the South American States.

[Here Mr. JOHNSON expressed dissent.]

Sir, I will not now go into an examination of the Message of President Monroe, but I solemnly enter my protest against any such construction

of that Message, as that the United States are bound to send to the South American States, and enter into treaties to aid them. If such is the construction put upon that Message by the present Administration of the Government, I disclaim and protest against it.

Mr. WOODS, of Ohio, thought it would be more proper to call on the President of the United States for this information, than to obtain it through the Committee on Foreign Relations. The Executive is the proper branch of this Government to give information touching the foreign relations of the country.

Mr. F. JOHNSON observed, in reply to Mr. McDUFFIE, that he thought he had said that the Message of President Monroe did not pledge this Government to anybody; but that the declaration had been made under a sense of our own rights, and with the intent that others should remember them. I said that this declaration had had the most salutary effects. Sir, it had—the declaration has answered its object—it has had the effect that was intended. I consider it a credit to the country, and I am not prepared to take back any part of it.

Mr. POWELL said, if he understood the amendment, as now modified, it was, in substance, the same as that which he had himself offered, and he could assure the House that he had no such partiality for his own resolution as to perplex the House by insisting on their determining which they should adopt; believing the amendment to be, in fact, equal to his own, he should very heartily acquiesce, should it be sanctioned by the House. His object was not to criminate anybody. He had, however, an ulterior object in presenting his resolution to the House—an object directly the reverse of that desired by the gentleman from Kentucky, (Mr. JOHNSON.) He wishes the pledge of Mr. Monroe to be recognized and adhered to; I wish that, if any pledge is supposed to have been given by Mr. Monroe, this House shall prostrate such a pledge, and proclaim to the world that they do not hold it lawfully made, or binding on the country. If, in answer to our inquiry, the Executive shall say that the country is pledged, I shall then move that the House disavow such an understanding.

Yet, I do not say that the United States shall never resist, by force, an interference, however violent or dangerous, with the South American States; but I do not choose to pledge this Government to any alliance beforehand. When such a case shall arise as will justify it, let us interpose by the strong hand of power; but, in the meanwhile, let us remain free from all pledges of alliances.

Mr. VERPLANCK suggested, that the amendment of Mr. McDUFFIE should be modified, by substituting for the words "supposed pledge," the words "the pledge therein mentioned."

Mr. McDUFFIE accepted this modification, and, thus modified—

Mr. POWELL accepted the amendment of Mr. McDUFFIE, and adopted it as his own.

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[The question, therefore, from this point in the debate, was between Mr. POWELL's resolution and that of Mr WICKLIFFE.]

Mr. VERPLANCK, after thanking the gentleman from Pennsylvania, (Mr. BUCHANAN,) for his support of the amendment, as at first offered, by himself, and stating that Mr. B. had anticipated him in some of his views, which he therefore would not repeat, said, that the question now was, whether the inquiry shall go to a Committee of the House, or to the President of the United States. He thought the gentleman from Pennsylvania had very clearly shown that the first of these courses was, on many accounts, to be preferred. He should not repeat the arguments by which that gentleman had so ably supported his position. There was one other ground on which it might be maintained, and which he believed the gentleman had not adverted to. The gentleman from Kentucky (Mr. JOHNSON) has said that the danger is over; and he says truly—the foreign danger is over. But still there is another danger at home: the danger of precedents in interpreting the constitution.

The late President of the United States had made a public declaration in his Message to the House, which was right and just in itself, and was hailed by the whole American people with great enthusiasm; and it was supported, as far as necessary, by the authorities of the country. But, its terms were very vague and indefinite—perhaps purposely so, that it might not commit the country. But, though thus indefinite in itself, it went to the other side of the Atlantic, where it assumed a very different form. It was used by our Ministers abroad, and considered of so definite a character as to be bargained on in obtaining commercial privileges.

Now, sir, I open the constitution, and I ask, where is the power, on the part of the Executive Department of this Government, to give any such pledge? I find that Congress has the power to declare war, and the President to make treaties; but I find no power given to the President to commit the nation to any pre-determined line of policy.

But gentlemen say the *honor* of the country is committed—a bargain has been made on this pledge. Well, sir, suppose some unexpected state of things should arise in the internal concerns of these South American Republics; suppose, for example, that one of the provinces should resist the authority of the new Government, on a question, perhaps, concerning the introduction of religious liberty, (and that is a topic on which our Government seems peculiarly anxious,) and in this juncture of affairs, the Government of that Republic should call on this Government to redeem its pledge: could we turn round and tell them that no pledge had ever been given? Could we deny to them, after the pledge had been made the basis of a commercial bargain, that the President of the United States had no authority to give such a pledge? Sir, this appears to me to be one more

step towards increasing the power of the President, and making this House and the Senate in effect nothing—a mere registering assembly to give a formal sanction to the decrees of the Executive.

Sir, I would say to these Governments at once, that no formal pledge had been given, or could be given, by the President; that, in the declaration referred to, the Government had done wisely, perhaps, but nothing more; beyond a declaration the Executive had no right to go. Sir, do not let us deceive foreign Governments, nor let them be deceived.

Sir, I am not one of those who have any great terror on the subject of usurpation—but step by step, we may go on until we alter the constitution. It is in this way that Governments become changed by the lapse of time, and assume at length an entirely new character. New power is gradually given as to foreign politics, and at last we become entangled in foreign alliances.

This, too, might be a very proper occasion for this House to express its views as to the posture of this country in relation to the nations of both continents. And while, on the one hand, we give notice that we shall repel all aggression on the liberties of this continent, we may, with great deliberation, take ground as to the extent to which we will *not* go. We may make this point a rallying point for the constitution. But where can we take this stand but on a report of a committee of this House? Gentlemen wish us to call on the President to give us full information on the subject of this supposed pledge—well, sir, supposing he does so—will this enable us to get any expression by the people of their sense of their own rights? No, sir. I hope, therefore, that the resolution will pass in its original form.

Mr. REED said he was in favor of the amendment. We wish to ask for information, and, sir, where is it? Sir, the President alone has got it; and why should we ask him through a committee? Is it in order that that committee may express its view of the conduct of this Government, with respect to pledges? Is that the object aimed at? Sir, this may be proper, or not—but let us get the information—let us get it in a direct form—not by any circuitous mode—not accompanied by glosses and commentaries which may render its meaning doubtful. It is very possible I may go with the gentleman from New York in his views of what we ought to declare on the subject of the South American States; but to assume, gratuitously, before any answer is given, that it will be of such and such a kind, and that then we must do so and so, is in my judgment wholly improper.

Mr. COOK thought that, whether this Government, as a Government, had acted right or not, in making a certain declaration at a former period, was what need not now be inquired into: seeing that the latest official act of the Government has declared expressly that our

Commissioners have no power, by their instructions, to compromise the neutrality of this country, why should we seek any thing to the contrary of a previous date. And besides, does not the Secretary of State, in his answer to Salazar, disavow that this Government is to make any foreign alliances? Sir, I am opposed to send to a committee of this House for an elaborate report on the relations of this Government in all time to come. I am not prepared for a long string of resolutions which can excite debate and do no good. Resolutions of this kind, though entitled to respect, are but things of a moment, and have little effect on our successors. I want merely the information now asked for. I would, however, suggest a modification of the resolution by inserting the words "or otherwise," after those which speak of a pledge being given according to the constitution. According to the constitution, we know that the Executive could give no such pledge—he has not the power. But if we ask whether a pledge has been given, whether constitutionally "or otherwise," the fact, if it has happened, must come out. If any such pledge has been given by Mr. Monroe, it is certainly a departure from his own policy; and if by the present Executive, it is against the very last act of his in relation to these South American Republics.

Mr. FOSYTH thought that any such clause was unnecessary. There is but one mode by which the Government of the United States can be pledged to any act or course of policy, and that is according to the constitution. It is for this reason that I object to having this inquiry directed to the President. Sir, will you ask the President whether the Government of the United States is pledged? And what will be his answer? Can he send us a treaty? No, sir, he has none to send. That he has none, is proved by the fact that we are invited, according to his opinion of the invitation, to go to a designated place to make one. Why, then, will you go to the President? The Minister has held official language—that is plain; and what, sir, is his language worth? It is worth as much as the official language of an American Minister in any part of the world. Do you ask what was his authority for using this language? He used it by virtue of his plenipotentiary powers, and under the instructions of his Chief. Has not the President sent to this House documents which produce everywhere the deepest impression? And are they not fully, and in every particular, a justification of such language as our Minister has held? It is the language of the Secretary of State: he, too, speaks to the American nations of the memorable pledge of the President of the United States. What will you go to the President for? Do you wish to know if the language is justified by the spirit of his instructions? Sir, it must be. Some gentlemen, perhaps, may find arguments to satisfy themselves that the language is not justified to its whole extent; but nothing short of the

recall of the Minister can satisfy this nation that the language is not approved. Sir, the language of a Minister is something—it goes for something. He says we are pledged; we are called on to redeem the pledge; and he has given to the Mexican Government such assurances that they infer we will fulfil this pledge. A question then presents itself—by what power has the President acted? Where is the sanction of such an act in the constitution? Has the Executive trespassed on the powers of this House and of the Senate? Sir, it is a grave inquiry, and one which it is proper, on every account, should be submitted to a committee.

Sir, I am agreeably surprised to see the interest which this matter has excited; yet I cannot but be surprised. The President of the United States is the official organ to express the will and guard the interests of the people in their intercourse with foreign powers.

Is it strange he should presume to call a message to this House, not disapproved, a pledge? How often have we been told that the mere report of a branch of an Executive Department was adopted, and bound this House and the Executive, because an appropriation had been made to execute a part of it? Has not an act been passed, which recognizes as contemplated a great system of internal improvement, upon which there has been neither vote nor examination by Congress? There is a still deeper example: a law has been construed and executed, not according to the law itself, but according to the construction contained in the Message of a former President of the United States—the Slave act; and this, because the construction was not disapproved by Congress. Important consequences followed this construction: large sums of money were spent—a war ensued—and one hundred human victims perished on a barren and distant shore. Is it surprising that the President should now make a similar presumption, in a case similar, although not so strong? In 1823, a President of the United States made a very important and striking declaration on the subject of our future policy in relation to the South American States. No disapprobation was expressed by Congress; and therefore, it is considered as approved, and as a fair expression of the will of Congress. Sir, I object to all such inferences; but these are more defensible in our foreign intercourse than at home. Permit me to bring the facts on this subject before the House. I was at that time present in the House; and I confess that, when the Message was read, I was startled at its boldness. It was so different from the ordinary tone of that gentleman's communications, that we were at a loss to account for it. But, sir, the mystery was soon explained. We soon saw, that, however bold this declaration might appear to be, there had been no imprudence in making it, because there was, in fact, no danger. This declaration followed a determination of another Government. That Government had

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declared to the other cabinets of Europe, by an official conversation with France, that it would not see, with indifference, any interference with Spanish America, and our declaration came in tagging behind that official conversation. The declaration itself, was, I believe, generally approved in this country. Sir, I approve of it myself, if it is rightly understood, but I strongly disapprove of it, if it commits to any alliance with the South American Governments. I will now, however, resume the history of what passed in the House. A gentleman from Kentucky, thinking that this declaration of the President was only a declaration of the President, introduced a resolution corresponding in tone with the language in the Message. It is in these words:

*"Resolved, &c. That the people of these States would not see, without serious inquietude, any forcible interposition by the Allied Powers of Europe, in the behalf of Spain, to reduce to their former subjection those parts of the continent of America which have proclaimed and established for themselves, respectively, independent Governments, and which have been solemnly recognized by the United States."*

The resolution took the ordinary course: it was referred to a Committee of the whole House on the state of the Union, and there it slept until the last day of the session. The gentleman thus distinctly stated that, as there was not the remotest danger that the contingency contemplated in the resolution would actually take place, he had not called it up. Sir, the meaning of this declaration was in nowise contingent or doubtful; it was perfectly understood without the protest which the honorable gentleman from Massachusetts says he then made, (and which I had not the good fortune to hear,) and that of a gentleman from Virginia, not now in his seat; it was perfectly understood by the House as nothing more than a mere declaration. The Government, it seems, has since occasioned it to become something more, and the object of the present resolution, as I understand it, is to reduce this formidable pledge back to its original importance as a mere declaration of the President of the United States to the Congress of the United States.

If gentlemen suppose that any thing we shall get from the President will put it in a different light, the resolution ought to be directed to the President. I do not, and I trust, therefore, that the amendment will be rejected, and that the original motion will prevail.

Mr. MAILLARD said, that it seemed to him the resolution was not understood. The real point of inquiry was, by what authority Mr. Poinsett had made the declaration in question to the Mexican Minister. Now, the matter seemed to be understood in a different way. An entirely distinct question had been substituted for the original inquiry, and the resolution had been so worded, that he doubted if it would be of any use. We are now, it seems, to inquire if the United States have given any pledge recognized

by the constitution, to those Governments. But we deny that the Executive can pledge the United States. We suppose, from the papers, that our Minister pretended to give a pledge, which neither he nor the President had a right to give. We deny that any pledge can constitutionally exist, at all; and, if it has been given, what we want to know is, by what authority.

Mr. WRIGHT said he rose to say a word in reply to the gentleman from Georgia, (Mr. FOSYTH.) From the gentleman's speech on this subject, on Saturday, a report of which I hold in my hand, it appears, he was then of opinion, the inquiry should be directed to the President. He thought then the committee had no information to give. I thought he was correct then, and I agreed with him. Now he thinks we ought to direct the inquiry to the committee! What has effected this change in his mind? Has any thing transpired in the interim to effect it? It is sudden. I do not know, and cannot imagine, what has effected it, and I cannot change too. I must agree with the opinion expressed on Saturday, with which I concurred, unless I too can see some cause for change, or be advised that the committee has now more information than it then had.

Mr. FOSYTH, who just returned into the hall, said, that the accidental absence from the House for a moment, had prevented him from hearing what had been said by a gentleman from Ohio, (Mr. WRIGHT.) A mutual friend had just informed him that the gentleman had spoken of a difference between the opinion of Mr. F. on this discussion and in the discussion of Saturday. No such difference existed. His opinion of Saturday had undergone no change. The gentleman had probably been misled by judging of his (Mr. F.'s) opinions by what was published for him, and not from what he had spoken for himself. He requested that gentlemen would hereafter confine their remarks to what he had said, and not to what was reported for him. Language and sentiments were frequently imputed to him, never uttered or conceived by him. In one of the public journals of this city, (the *National Journal*) the errors were so frequent and so remarkable, as to induce him almost to fear that he was purposely misrepresented. He had not complained, as he was not answerable for the errors of the reporter. In the paper which he held in his hand, (the *National Intelligencer*), his remarks, when he first addressed the House, were reported with substantial accuracy. His explanatory remarks were altogether mistaken. He had said that the Committee on Foreign Relations had no information to give to the House. But that he presumed that the desire of the gentleman from Kentucky was, that an inquiry should be made into the propriety of the language used by our Minister, and of the instructions on which it was founded; and that if that was his wish, he ought to make the language of his resolution more specific. It would then present a very important question. The resolution had since

been modified, and it does now present a very important question. That, sir, is my opinion to-day—it was my opinion on Saturday last. I am persuaded that neither the Committee of Foreign Relations nor the President of the United States have any information to give the House, of which it is not already possessed.

Mr. LIVINGSTON said, that he was so very unfortunate as not to be able to vote for either of the two resolutions before the House. One of those resolutions requires the Committee on Foreign Affairs to inquire whether, in any manner, according to the constitution, a pledge has been given by this Government, that it will aid the South American States in a certain contingency. Now, sir, the only constitutional way of giving any pledge of this kind is by treaty. But we have no treaty. We know this already. But this is not the real object of the House. The real object of the inquiry grows out of the papers which have been submitted to us. What I want to know is, whether our Minister has been instructed to give any pledge. I do not want to know whether any contract exists by which he was constitutionally authorized to use the language he did, but whether he was authorized in any manner whatever. Unless this expression is altered I cannot vote for either of the resolutions. The subject I consider as one of high import. This House ought to know—this nation ought to know—whether the Government of the United States recognizes any such pledge as that referred to by Mr. Poinsett. Without saying what ought to be the conduct of this House, I wish first that we should have the information. As the resolutions are now framed, we ask a question that can only be answered in the negative. We ask if a constitutional pledge has been given. Why, sir, the President will, of course, answer “No. You know that a constitutional pledge can only be given by a treaty, as well as I do.”

Mr. POWELL said he was satisfied that gentlemen would defeat their own object, and he therefore suggested to the gentleman from South Carolina, the omission of the words, “constitutional manner.”

Mr. McDUFFIE assented, and these words were stricken out.

Mr. WICKLIFFE said that he did not know whether he was to consider himself as the parent of the resolution in its present shape, or only as its god-father. It was very immaterial to him which. But he wished to have a look at another document; and he therefore moved to add the following amendment at the end of the resolution:

“And, also, to communicate to this House a copy of the communication from our Minister at Mexico, in which he informed the Government of the United States that the Mexican Government called upon this Government to fulfil the memorable pledge,” &c.

The amendment was adopted, without opposition, and the whole resolution thus amended, read as follows:

“Resolved, That the President of the United States be requested to transmit to this House a copy of such parts of the answer of the Secretary of State to Mr. Poinsett's letter to Mr. Clay, dated Mexico, 28th September, 1825, and numbered 22, as relates to the pledge of the United States therein mentioned; and, also, to inform this House whether the United States have, in any manner, made any pledge to the Governments of Mexico and South America, that the United States would not permit the interference of any foreign power with the independence or form of government of those nations; and, if so, when? in what manner? and to what extent? And, also, to communicate to this House a copy of the communication from our Minister at Mexico, in which he informed the Government of the United States that the Mexican Government called upon this Government to fulfil the memorable pledge of the President of the United States, in his Message to Congress of December, 1823.”

Mr. FOSYTH made a question of order whether the House can pass upon the resolution in this form, without violating that rule which directs that all resolutions proposing a call upon the President or Heads of Departments should lie one day upon the table.

The SPEAKER decided that the resolution need not lie.

From this decision Mr. FOSYTH appealed to the House, and in support of the appeal observed, that the resolution offered on Saturday, was not a call upon the President of the United States, but simply a direction to one of the standing committees of the House. As now modified, it has become a call upon the Executive.

Mr. CAMPBELL observed, that the resolution had already been considered and discussed for two days, and that, therefore, the spirit of the rule, if not its letter, had been complied with, and if every alteration in a resolution obliges it to lie one day longer, any resolution might thus be indefinitely postponed.

The decision of the Chair was sustained—  
Ayes 112, noes 41.

Mr. TRIMBLE suggested the propriety of further amending the resolution, by inserting the usual restrictive clause, which leaves it discretionary with the Executive to communicate only so much of a paper called for as in his opinion may not be inconsistent with the public interest; but he made no motion to this effect.

The question was then taken on the adoption of the resolution, as amended, and determined in the affirmative, by yeas and nays.

And then the House adjourned.

TUESDAY, March 28.

*Amendment of the Constitution.*

Mr. McDUFFIE moved that the House resolve itself into a Committee of the Whole on the state of the Union, to take into consideration the proposed amendment to the constitution,

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in relation to the election of President and Vice President.

The motion prevailed—ayes 108, noes 29.

So the House resolved itself into a Committee of the Whole, Mr. DWIGHT in the chair, on that subject; and it was further discussed by Mr. WHIPPLE, Mr. GARNSEY, Mr. KELLOGG, Mr. WORTHINGTON, and Mr. MINER.

WEDNESDAY, March 29.

*National Southern Road.*

The following resolution, yesterday offered by Mr. ISAACS, was taken up:

*Resolved*, That the Secretary of War be directed to lay before this House, copies of all the correspondence between that department and any members of Congress, since the first day of December last, on the subject of an examination of a route for the contemplated National Road from Washington to New Orleans, in such direction, through the western part of Tennessee, the northern part of Alabama, and the State of Mississippi, as should be found most eligible, with copies of the instructions to the engineers on that subject; and also to inform this House, whether such examination has been made, or is now making; and, if not, when such examination is intended to be made."

Mr. STEWART renewed his motion to lay the resolution on the table; which was carried, ayes 84, noes 58.

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The House then went into Committee of the Whole on the state of the Union, Mr. DWIGHT in the chair; and, on motion of Mr. McDUFFIE, took up the proposition to amend the Constitution of the United States, in relation to the election of President and Vice President.

Mr. HOFFMAN addressed the committee at length.

Mr. HOFFMAN was followed by Mr. COOK, who was in favor of taking the Presidential election from the House of Representatives, but was opposed to the District System. He concluded a short speech, by offering the following, to be added to the first branch of Mr. McDUFFIE's amendment:

"And as will authorize the voters qualified to vote for members of the House of Representatives of the United States in each State, to vote directly, in such manner as the Legislature thereof shall direct, for the aforesaid officers, reserving to each State, after the failure to make a choice of either of the aforesaid officers, in the primary election, on the principle that such primary election is now made, an equal vote in such election; and that a convention be authorized, in each State, to act on the aforesaid amendments."

Mr. McDUFFIE requested the mover to consent to withdraw the amendment, on which he would remark in the course of his general reply; but Mr. COOK wished to have the sense of the House taken on this amendment, before it was taken on the main proposition.

Mr. McDUFFIE then moved that the committee rise. The motion was negative.

Mr. BARBOUR, of Virginia, expressed a wish to conclude the remarks he had commenced some days since, before the question should be taken on the amendment now offered.

Mr. COOK consented, and Mr. BARBOUR concluded his speech.

Mr. J. S. BARBOUR, of Virginia said: I must ask, Mr. Chairman, the indulging attention of the committee, while I endeavor to offer to its candid deliberation, those reflections upon the question in debate, which occur to me; an indulgence at all times necessary to me, and peculiarly so upon this occasion. The protracted discussion for several weeks past has divested the subject of that interest which novelty usually imparts to the proceedings of the House. But the intrinsic magnitude of this question, the intense anxiety of the public mind, and the solemn obligations of representative duty, excuse, and, I humbly think, justify, whatever has been said and whatever may be said in this debate.

It has been again and again reiterated, in the progress of the discussion, that this amendment owes its birth to disappointed ambition; and to that restless spirit of inquietude which was cradled in the hearts of a recent election. And the hazard of disturbing the fundamental law, by novel and untried experiment, has been presented to us in all the terrors with which fancy and genius could surround it. Sir, I know of no other moral agents, in meliorating the defects of political institutions, than the judgment, the passions, and the interests of men.

If the effervescence of the public mind is permitted to subside, without realizing the attainable good, it is worse than idle to expect it in a period of tranquillity. Can we rationally hope to obtain from languishing lethargy, that which is not to be had from active enthusiasm; when the judgments of men are awakened by the approach of danger, and their passions kindled in the recent detection of flagrant and alarming abuses? The dread of innovation and the dangers of reform, have been the sword and the shield, with which usurpation, in all past time, has defended itself, and combated popular liberty. Had these doctrines prevailed, the glories of our own Revolution would have lain forever wrapt in the night of despotism.

The gentleman from South Carolina, who has submitted the resolutions for amendment, with propriety remarked, that, so far as the choice of the Chief Magistrate depended upon uniformity, "we are without any constitutional rule whatever." The perplexing difficulties which encompassed the convention, upon this subject, are visible in the journal of their proceedings. History could not guide their footsteps, and the lamp of experience reflected too faint a light to direct, with safety, their own deliberations. "Each State shall appoint, in such manner as the Legislature thereof may

direct, a number of electors equal to the whole number of the Senators and Representatives to which the State may be entitled in Congress." The power is here evidently lodged in the people of the State, and the Legislature possesses the right of directing the mode by which it may be exercised.

However wisely this power of directing the manner of appointment may be supposed to be lodged, it is certainly any thing but uniformity. The case would be rare, indeed, when the fluctuating counsels of four and twenty distinct and independent legislative bodies would invariably conduct them all to one common result?

Sir, this want of uniformity is, by no means, the most serious mischief that impends the existing system. Those creative acts of popular sovereignty, which infuse vitality into all our Governments, never intended to leave those agencies of their creation subject to control or destruction, from any other quarter than the sovereign will creating them. The conservative principle, in the mechanism of political institution, is its own inherent means for continued existence. Now, this constitution has not provided, within itself, by its own action, the *essential principle of self-preservation*. Can that be called a safe system, which is not armed with a power, indispensably necessary in creating and protecting its essential organs? A very slight attention to the constitution will show to us its entire dependence upon the Legislatures of an inconsiderable proportion of the States, and of less than one-tenth of the members of this House, for the appointment of the Executive.

What is your whole number of members upon this floor? Two hundred and thirteen Representatives are in this House, from twenty-four States. The absence, either intentional or accidental, of the delegations from nine States, will defeat this eventual appointment, and nine of the smaller States send into this House but twenty Representatives. It is thus seen that, in the popular branch of the Government, the Representatives of less than one-tenth part of the American people may dissolve the Union of the States, and leave it a wreck upon the strand. Although the Government is divided into three departments, yet each is wrapped up, and indissolubly connected with others. Tear from it the Executive branch, (most especially this branch,) and all is lost.

The Revolutionary War presents us with unnumbered instances of State dereliction from constitutional obligation, in the midst of the struggle, and in the glow of patriotism. The present constitution is the creature of State delinquency.

Let me invite the gentleman from Pennsylvania, who opposes all amendment, to go with me into the history of his own State. Let me beg the gentleman from New York, (Mr. STORZA,) to turn to the annals of that great Commonwealth which he, in part, represents. Let me request the gentleman from New Jer-

sey to recollect the difficulties of 1800, in making up their electoral vote—and I will then entreat the delegates from Vermont, Maryland, and Virginia, to adopt the counsels of conciliation and prevention which their several States pursued in those distracting times. In the two first elections, Pennsylvania had voted by General Ticket, but her law then expired by its own limitation. Her Legislature convened while all the springs of party feeling were in full excitement. The House of Representatives demanded one mode of appointing electors, the Senate another. Every effort to produce harmony of opinion, and concert of movement, was frustrated by the force of party. And, although no law existed, with no provided means of fulfilling the *commands* of the Federal Constitution, and no session of the Legislature intervening, before the election of a President, yet both Houses adjourned, with a total neglect of this important duty, and to that extent, with a secession from the Union. This struggle in the Legislature presented one continual scene of strife, crimination, and recrimination. The voice of the people was totally disregarded in the conflict, although public opinion was not inactive: for it had disclosed itself in one embodied front, and spoke a language that was both heard and understood. In relation to this duty, the same discord prevailed between the House of Representatives and the Council of New Jersey that had given so much inquietude to Pennsylvania, but these distracting views yielded, happily, to a temper of conciliation, upon a special and extraordinary meeting of the Legislature.

The States of Vermont and Massachusetts proposed and approved amendments to the constitution, and a similar one was offered, in Congress, by a Representative from New Hampshire. These propositions reached no farther than to expunge the indiscriminate vote for two persons, and to designate the President and Vice President. Virginia saw the evil in all its deformity, and proposed to amend the constitution in a manner that would reach and eradicate the threatening mischief. Her counsels were enlightened at the time by an illustrious man, who had much agency in forming and putting into motion the present system of Federal Government, and who has since worn so well the highest honors of the Union—upon him devolved the task of warding off these besetting calamities—a double duty pressed itself upon him. When the plan first went into operation, under the influence of those patriot and genial feelings, which are a happy substitute for Government itself, there was nothing of that bane of union resulting from the rivalry and jealousy of State power and sectional influence. Unfortunately, these passions were engendered in the lust of domination, and several of the States had so altered their mode of exercising the choice of electors, as to mar the better designs of the constitution, and to hold the greatest weight in the election by

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State concentration. Virginia could not behold this condition of things with silence nor indifference. Her statesmen had not only to defend and secure her appropriate influence in the contest then pending, but to propose a reform in the plan itself, which would spare us the return of these convulsive contests. The principles of self-defence, which are admitted and enjoined by every code of morals and of law, justified the State in putting on the armor of concentration, and in striking with all the force of one collected blow. She was indifferent neither to her powers nor her duties. The General Ticket system was in itself enough to guard the State against all the dangers of combination in others; yet the violent distractions of the States, and, above all, the imminent hazard of the constitution itself, called Virginia to loftier purposes and to sublimer duties. Convulsion and tumult had agitated several parts of the Union: hers was the grateful task to pour oil upon the waves; to present the beacon that might enlighten and direct her sister States; and to supply a safe defence for the wholesome principles of the constitution, both from open violence and insidious attack. Her General Assembly was then rent into parties, heated and exasperated by collision, but, in this great and solemn duty, party paused, and faction was silent. Reverence for the constitution, love for the Union, and for that equality which is the nurse of concord, prevailed over the ignoble passions of the hour, and produced, in one common effort by both parties, that amendment which is embraced in one of the resolutions now submitted by the gentleman from South Carolina, (Mr. McDUFFIE.) The opinions of such men, and under such circumstances, ought not to be lightly regarded. The General Ticket mode of appointment was sustained by Mr. Madison, upon the single basis of retributive justice. He was the parent of the law in Virginia, and took especial care that his views should not be left open to future cavil, by inserting them in the preamble to the bill which he introduced. As it is before me, Mr. Chairman, I crave your indulgence while I read it.

"Whereas, until some uniform mode of choosing a President and Vice President of the United States shall be prescribed by an amendment to the constitution, it may happen, under a law of this Commonwealth, for appointing electors for that purpose, that a choice may take place contrary to the will of a majority of the United States, and also contrary to the will of a majority of the people of this State, which would be inconsistent with the true intent and meaning of the Constitution of the United States; and, although this Commonwealth is willing to accede to any reasonable and proper amendment of the said constitution, to remedy the said evil, yet, forasmuch as it ought, in the mean time, to be counteracted, by every constitutional regulation within the power of the Legislature, until it shall be so removed: be it enacted," &c.

This preamble was not a delusive feint,

which looked to nothing beyond the expression of abstract opinions, and the attainment of temporary purposes. I repeat, that an amendment to the constitution, having for its object a permanent mode of choosing by districts, was offered, and adopted with a unanimity which distinguished no other act of the General Assembly at that session. A few days after this movement in Virginia, one of the delegates from that State, (John Nicholas,) chosen by the people that I represent upon this floor, offered the same amendment.

The gentleman from Massachusetts (Mr. EVERETT) assures us that no failure has occurred in the operations of the existing system; and that the objections now urged grow out of the election of the present Chief Magistrate—an officer who has received the "highest marks of confidence from every Administration;" and this result showed, as he said, "*perfect success, unexampled success, glorious success.*"

I have not heard urged, in this debate, any personal objections to the President of the United States. The opposition was exclusively to the mode of his election; to the belief that the primary and secondary intention of the constitution had been defeated; and that the election was made in violation of the will of a majority of the people and a majority of the States. It is in vain to tell me, that any man possessed the confidence of every Administration, when I see that he is not clothed with that confidence which the constitution demands for his investment.

The tendency of the proposition now in debate to trench upon the power of the States in their corporate capacities, has been urged with fervor and ability, by my colleagues, (Messrs. ABOHEE and STEVENSON,) and also by the gentlemen from New York and Massachusetts, (Mr. STORRS and Mr. EVERETT.)

Sir, uniformity of any kind, in the operations of this Government, *must, in itself*, encroach upon the power of action in the States; and yet it has been repeatedly admitted, in the progress of this discussion, that uniformity of movement, in the local authorities, is greatly to be wished in this respect. Is not this dread of encroachment rather a figment of the fancy, than the sober reality of enlightened judgment? Is it not an apprehension existing in speculations upon the theory of our system, rather than a deliberate conviction of mischievous results in its practical operations? Power is valuable in its possession only as it enables us to advance the public weal, to promote national prosperity, and to secure the blessings of free institutions to the present and future generations of men. Appropriated to malverse purposes, and to other ends than these, delegated power becomes alarming to society, and subversive of every legitimate object in the social compact. If rightfully employed, this power of directing the mode of appointing electors is but an instrumental agency in the State Legislatures.



The first reflection which occurs upon the claim of power for the State Legislatures, is, that they, of themselves, do, in effect, give the vote for President, instead of directing a mode by which the people of the State may choose the electors; and this result subverts the whole theory of the constitution, and invades its best principles.

First, the President (or rather the candidate for that station) is made to appoint the elector—not the elector to appoint the President. The elector, by previous arrangement, is clothed with the power of voting, for no other reason than his devotion to a particular candidate. The forms of the constitution are preserved, in giving the elector an empty shadow of power, while its efficient substance has been already exercised (not by the elector, nor by the people of the State, but) by its Legislature.

Nothing is more remarkable, in the progressive formation of this constitution, than the extreme caution employed in excluding the State Legislatures from any positive elective agency in making the Chief Executive Magistrate.

In our political system, the restraints on power, and the security of public liberty, result from the happy combination of State, federate, and popular action. The fruits of this combination constitute the unshared possession of this land, and supply to us that meliorating principle, which expands itself to the widest exigencies of national progress.

Any invasion upon the reserved sovereignty of the States, considered as political societies, must always be received with distrust. But, we should not permit this jealous sentiment to conduct us into error.

A slight attention to historical facts, will disclose to us the material action of the States in the Federal plan. The recommendation of Congress, in 1787, was, "for a firm national Government, and that the Convention shall render the constitution adequate to the exigencies of the Government, and the preservation of the Union."

The States were not prepared to follow the counsels of Congress; and, in acceding to the call of a Convention, they recommended a Federal, not a National Government. Several States delayed, for a time, to appoint any delegates, and Rhode Island declined, altogether, a representation in the Convention. Delaware coupled her acceptance of the invitation with an express condition that the system should secure to each State an equal vote in Congress.

The first movements of the Convention were evidently in accordance with the recommendation of Congress for a national plan. The propositions of Governor Randolph and Mr. Pinckney, both point to that result; and the votes of the Convention, in its early sessions, indicate, most distinctly, its preference for the National, over the Federal system. The gradual operation of public sentiment upon its deliberations, is visible in the progressive devel-

opment of the federative feature, and the position which it is finally made to assume in the plan itself. But, Mr. Chairman, I repeat, that we must look into the Senate for the lodgment of State influence in the action of this Government.

The distribution of electoral power presented a complicated question: Two principles had already been fixed as the basis of our Government. The first resulting from the agency of the people; the second from the agency of the States. The first securing the rights of the people; the second the sovereignty of the States; both were considered essential to freedom. Certain political functions were required to be performed by both of these agencies, and each possessed a check upon the other.

The election of 1801 disclosed the dangers that hung over those provisions of the constitution. The amendment which followed, encroached upon the federative principle, and fixed the popular will as the basis of the election. Designating in the ballots the candidates for the office of President and Vice President, limited the contingent choice of the States. The candidate for Vice President was no longer within the range of State selection. It trammels the federate power, and binds it to the popular will; it prohibits the States from putting into the Chief Executive office an individual intended by the people for another station. Nor does it stop here—the right of choice is narrowed into a smaller compass, by requiring it to be made from the three highest on the people's list, in substitution of the number five.

This change in the constitution is a conclusive reply to much of the argument we have heard. It fixes public opinion as the element of our policy, and as the basis of our political structure.

Whenever an Executive comes into office by an appointment from this House, dangerous consequences inevitably result. Congress is converted into an arena for electioneering strife; its sublimer duties are obscured in the conflict. The President, so chosen, will employ all the arts of management and conciliation to win the favor of his enemies, in the hope that, by these means, he may secure a majority for the next election.

Upon the other hand, those opposing divisions, which constitute a majority when consolidated, will not be idle spectators of passing events. However segregated they may once have been, the triumph of a minority will furnish a sufficient principle of cohesion, to unite them in future action, and to secure a successful result. Amid these conflicts, public interest is a victim and a sacrifice. Here is a serious consideration for all. The hour is upon the wing, when greater difficulties may obstruct this salutary change. Political evils grow inveterate, and become incurable. To deliver a diseased and debilitated Government from the complicated miseries under which it may, in

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some distant age, lay expiring, is an impracticable task. The mischief is now but a seedling, a germ in the constitution. Crush it, and it is no more; warm it into life, and some noxious Upas will grow up from it, whose branches will overshadow the Republic, and stifle popular liberty.

THURSDAY, March 30.

*Amendment of the Constitution.*

On motion of Mr. McDUFFIE, the House then went into Committee of the Whole on the state of the Union, Mr. DWIGHT in the chair, on the proposed amendments to the constitution, offered by Mr. McDUFFIE:

And the amendment, offered by Mr. COOK, to be added to the first branch of Mr. McDUFFIE's amendment, being also under consideration:

Mr. BARTLETT said: I am opposed to the resolutions now under consideration; to the amendment; the amendment of the amendment; and the twenty-one other resolutions for altering the constitution, which have been referred to this committee.

When the subject of a change of any of the provisions of the constitution was first introduced, I regretted that there should exist, or should be supposed to exist, a necessity for its discussion. I believed of the constitution, as of all other results of human effort, that it was imperfect. I had fears that imperfections would be exhibited, for which no practicable remedy could be found; and that thus our labors, instead of improving our condition, would serve only to weaken our political institutions, by diminishing our respect for them. But, so far from such an effect upon my mind, after an unremitted attention to the elaborate and protracted discussion, I look to the constitution as it is, with better hopes, with increased confidence and veneration. Should such be the influence of this investigation upon the community—impatient as the nation may be of the debate—I shall never deem it to have been the wasted time of the House. Whatever disposition this tribunal may make of the different propositions before it, the principles advanced in the discussion deserve consideration; and, as touching the foundations of our Government, are of deep and lasting interest, in their character, their application, and their consequences.

The resolutions before us, when originally introduced, proposed, *first*, the plan of the General District system, and, *secondly*, the scheme of taking from the House the power of election by States. But, by an adroit military manœuvre, the whole order of attack upon the constitution is reversed, and the resolutions now propose, *first*, to take from the States their contingent right of election, by the House, and, *secondly*, the right of regulating the election by districts, or General Ticket system. There is unquestionable generalship in this.

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The scattered forces that may be gathered round the rights of the small States, are supposed to be easily vanquished.

The successful operation of our Government, thus far, should not lead us, in our exultation, to believe it so settled and permanent, that we may venture safely to test it with all sorts of untried schemes. In the triumph of its anticipated perpetuity, a gentleman near me exalted, even in the language of Napoleon, in his pride. Let us take with that, too, its instructions. It was, when receiving adoration from the Mamelukes, on the plains of Egypt, that the conqueror exclaimed, "Forty centuries shall look down from yonder pyramids upon our achievements;" and yet, less than one-fourth of one of those periods found him chained in mid-ocean to a desolate rock.

We are reminded that our fathers here kindled the beacon fire of liberty, while our foes still predict that it is but the transient flash of a meteor, soon to leave the world in deeper gloom. We glory to see its blaze, in our own time, gleaming along the mountains of our southern hemisphere, and even penetrating the darkness of European despotism. May it continue to burn with a purer and a brighter flame, till, when the tide of war and desolation abate, its light, reflected from the whole arch of heaven, shall remain, the bow of peace and of liberty to the emancipated nations of the earth.

Mr. McDUFFIE then observed, that he had expected and intended, according to the understanding yesterday, to have addressed the committee to-day in reply to the several gentlemen who had spoken in opposition to the resolutions—but, as the remarks of the gentleman from New Hampshire had greatly exceeded the time he had anticipated, he must defer his reply till to-morrow.

Some conversation took place between Messrs. BARTLETT, McDUFFIE, and WEBSTER, the result of which was, that an effort should be made to close this discussion to-morrow.

Mr. COOK then addressed the committee in favor of taking the Presidential election from the House of Representatives, and of the adoption of the resolution, (which he offered yesterday, and was afterwards withdrawn.)

Mr. COOK concluded his remarks about three o'clock, when, on motion of Mr. McDUFFIE, the committee rose.

FRIDAY, March 31.

*Amendment of the Constitution.*

The House resolved itself into a Committee of the Whole on the state of the Union, Mr. McLANE, of Delaware, in the chair, on the resolutions for the amendment of the constitution.

Mr. McDUFFIE addressed the committee in support of the amendments—and in reply to the several speeches made in opposition to him, as follows:

Mr. Chairman: I feel most deeply sensible of the difficulties by which I am surrounded, and of the painful and embarrassing responsibility of the position I occupy, in relation to this important proposition. If it had not been all along apparent, from the very nature of things, it is now placed beyond doubt by the course and character of the arguments urged in opposition to the proposed amendment, that he who attempts, under any circumstances, to effect a fundamental change of existing institutions, particularly if the object of that change is to divest those of power who have been in the habit either of using or abusing it—undertakes, if not a rash and hazardous, certainly an Herculean task. He must not only encounter the intrinsic difficulties inseparably connected with the merits of every such proposition, by vanquishing objections which naturally present themselves even to the most dispassionate understandings; but he must encounter and vanquish those very passions and prejudices by which the judgments of men are most liable to be disturbed and perverted, in the conduct of political affairs.

In reference to the general conduct and character of the argument in opposition to the proposed amendment, I must be permitted to say, that not a single gentleman who has spoken in opposition to both resolutions, has met my arguments fairly, or pretended to answer them as they were really presented.

The honorable gentleman from New York, (Mr. STORRS,) opened his address by warning us not to tread, with unhallowed feet, on the holy ground of the constitution; and every gentleman who has followed in his wake, has favored the committee with a grave and portentous homily on the sacredness of the constitution, the wisdom of our ancestors, and the danger of innovation. These, sir, are the hackneyed and threadbare arguments. I was not, therefore, surprised, to hear them repeated, with all the changes which could be rung upon them, on the present occasion. But I confess, sir, that I was not prepared to hear the extraordinary doctrine advanced by the honorable gentleman from Massachusetts, (Mr. EVERETT,) on this subject: a doctrine which, though I have paid some little attention to the history and philosophy of Government, it has been my lot to hear, for the first time in my life, advanced on the floor of the American Congress. No, sir, I did not expect to hear, in an age distinguished for its improvements in political science, and in the popular branch of the freest Government on earth, a doctrine which even the *Films* of the Old World did not dare to advance, as an offering at the shrine of despotic power, when the "divine right of kings" was assumed as the only legitimate basis of Government. What is it, sir? That it is unconstitutional to amend the constitution; or, as the gentleman in another place expressed it, in a more philosophical and imposing form, it is incompetent for political functionaries to as-

sume that the constitution, from which they derive their existence, is imperfect. As this strange and startling proposition is in direct contradiction both to the letter and common sense of the constitution, I shall certainly not gravely set about refuting it by *argument*. It has at least the advantage of being beyond the reach of that weapon.

In the *National Journal* of the 10th of August, 1824, are these authoritative declarations: "*Facts and inferences*: 1st. That if Mr. Crawford should be elected, we cannot expect from him, or from his friends, any movement in favor of an amendment of the constitution, securing to the people the right and power of electing the President of the United States. 2dly. If Mr. Adams should be elected, we think we may safely affirm our belief, that he will conscientiously and firmly do all that it may be proper for him to do, to secure the election of the President in the hands of the people." 3dly. "If Mr. Clay should be elected, he and his friends will be bound, by a regard for consistency, if by no political considerations, to pursue the same course. If there were no other objection to the election of Mr. Crawford, that which has been stated would be sufficient. We sincerely believe that an election by the people, in the worst possible mode that could be devised by those whose object was to devise the best, would be infinitely preferable to the best possible mode of electing a President, in which Congress or the State Legislatures have any concern."

Referring to an article in which the editors of the *Intelligencer* had expressed an earnest hope that a uniform system of voting by districts would be established before another Presidential term should elapse, the *Journal* of 25th August contains the following commentary:

"We presented it to our readers, with a strong expression of our entire concurrence in its sentiments." "If the editors of the *National Intelligencer* are sincere, as we believe they are, in the expression of their earnest hope, they are bound by conscience, by honor, by patriotism, to give their support to some other candidate, from whom and whose friends may be confidently anticipated every effort to accomplish, and, indeed, the actual accomplishment of a hope, the failure of which will be the ruin of this nation, and finally of the cause of free government throughout the world."

Deeply as I have felt, sir, on this subject, I have used no language stronger than this.

Such, sir, were the avowed principles of Mr. Adams, while a candidate; principles directly hostile to his subsequent practices. By advertising to the letter of acceptance which he addressed to the committee of this House, which announced to him the fact of his election, it will be seen that, at that period, he still felt the obligation of the pledge which had been given to the nation, and was still disposed to do homage to the principles which had been violated in his election.

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*Amendment of the Constitution.*

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I shall now proceed to show that, by some strange fatality, not only the President himself, but his prominent and leading supporters, editorial and congressional, have undergone a most extraordinary change of opinion on this very subject. The Journal, which had recently denounced as "aristocrats and usurpers" those Representatives who did not "respond to the voice of the people, and give it its full effect," suddenly changed its principles on the formation of the coalition between Mr. Adams and Mr. Clay, and eulogized the latter gentleman for his "*independence*" in disregarding the request of the Kentucky Legislature, and the known and undisputed will of the people of that State. But the change which has taken place in the editorial organ of the Administration, is not more striking than that which is exhibited in the gentleman from New York, (Mr. STORMS,) who is put forward on this occasion, in the front rank, as their champion on this floor. Two years ago, when I introduced these very resolutions, they were referred to a select committee, of which the gentleman from New York was a member; and I then found him my most strenuous and ardent coadjutor.

In proceeding to answer the arguments of the gentleman from Massachusetts, (Mr. EVERETT,) and the gentleman from New York, (Mr. STORMS,) against the District system, I shall have the full weight of both their former opinions to aid me in the undertaking: for the gentleman from New York also, as was shown by the gentleman from Virginia, (Mr. BARBOUR,) maintained, two years ago, that the plan of the new Government was intended to subvert the whole system, and convert the Confederacy into a national Government; though he can now see no danger but in the choice of a "national" President by "the people of America," and no safety but in the federative action of the States in that election. As a gentleman from Virginia (Mr. ARCHER) has assumed that public opinion is opposed to this (as he is pleased to term it) theoretical branch of the proposed amendment, it may not be amiss to set him right on this subject, by recurring to a few facts connected with its history.

When this proposition, some eight or ten years ago, was recommended to the several States by the Legislature of North Carolina, it was adopted by the Legislatures of a large majority of the States, and by those of two of the largest, New York and Virginia, almost unanimously. This system was particularly a favorite in New England, owing, perhaps, to the recollection and abhorrence of the Gerrymandering affair in Massachusetts; and though I believe it was adopted by every New England State, yet I now understand—and it is one of the most portentous signs of the times—that there will not be as many as half a dozen votes from that quarter of the Union in favor of either branch of the amendment. The Senate of the United States have repeatedly adopted, by the constitutional majority of two-thirds,

resolutions in favor of the District system, and in 1820 this House sanctioned it, by a vote of 94 to 54, wanting but four or five votes of a constitutional majority. In fact, there is no idea that strikes the sound common sense of the people more forcibly, than that of having some uniform system of giving the votes of the respective States on this great question; and the actual experience of every State that has made the experiment of the General Ticket system, has demonstrated that, as a means of ascertaining the voice of the people, it is a delusive and insulting mockery. And yet, the gentleman from Virginia (Mr. ARCHER) is pleased to represent me as a "theoretical genius," sacrificing every thing to mere symmetry, for maintaining the expediency of this plain, old-fashioned District system; when all the arguments which either he or any other gentleman has urged against it, seem to me to have been inspired by the very genius of metaphysical abstraction.

In answer to the objection which I urged against the General Ticket system, that it tended, by an inevitable necessity, to throw the whole elective power of a State into the hands of a few political managers, acting by caucus nomination, the gentlemen from New York and Massachusetts have both replied, that, by the District system, you would increase the evil, by multiplying the number of caucuses. I was not surprised to hear this argument from the gentleman from Massachusetts: for, he informed us that he had no practical knowledge of the subject; but I confess I heard it with astonishment, coming from the gentleman from New York, who has witnessed the operation, and thoroughly understands the principle of the caucus system. The existence of a caucus arises entirely out of the necessity of preventing distraction, and producing concert, in the votes of a large mass of people, who have a common object to accomplish. A State, for example, that has thirty-six electors to choose by a general vote of the people, must either submit to have the electors nominated by some central agency, or run the hazard of having the popular will entirely defeated by a want of concert as to the electoral ticket. Almost every district would have its separate list of electors, and, though agreeing as to the person they might desire to make President, they would unavoidably disagree as to the means of effecting the object. But, sir, divide the State into thirty-six districts, each entitled to one vote, and acting upon its own separate and independent basis, and there will exist no necessity for the preliminary concert of a caucus nomination. The people of a district can move in concert, without any such machinery.

I will now invite the attention of the committee to a very brief examination of the objections urged by several gentlemen to the District system, founded upon its supposed tendency to interfere with the essential rights of the States, to impair the federative character

of our Government, and to lead to its consolidation. And here, sir, I cannot but remark, that gentlemen must be favored with some special illumination on the subject of State rights, to discover that they are engendered by a system, proposed, as was shown by a gentleman from Virginia, (Mr. BARBOUR,) as early as 1799, by Mr. Madison; who, of all the statesmen of this country, would be most acute to detect, and most prompt to resist, any encroachment upon the rights of the States.

The gentleman from New York has been pleased to call the District system a crucible, by which the States of this Union were to be amalgamated into one common mass, by fusion; and has, throughout his speech, assumed that I have proposed and maintained what I expressly disclaimed, and what is nowhere to be found, but in his own imagination, and in the resolution of his colleague, (Mr. GARNSEY.) My proposition distinctly secures to each State, in the primary election, the precise number of votes to which she is now entitled. The people of each State will give the electoral votes of that State, in districts, laid off by the Legislature; and how the people are to be melted into one mass, by being separated into two hundred and sixty-one, surpasses, I confess, my poor comprehension.

The constitution has provided, that the people of each State shall give a certain number of electoral votes for President, and that, if any one person shall have a majority of those votes, he shall be the President. We then have the authority of the constitution itself for saying, that this is the best mode of electing that important officer; in other words, to use the language of the Federalist, that the framers of the constitution intended that his electors should be chosen by "the immediate act of the American people." How, then, can it be said, that we violate the principles of the constitution, by making those principles more effective? The failure to elect a President by the primary vote, is certainly a political evil, and is so regarded by the constitution: for it compels us to resort to a mode of choice, which, to say the least of it, the Convention did not think the best, or they would have made it the primary mode. To prevent that failure, then, it seems to me, is to do nothing more than we should be authorized to do, according to the restricted notion of our power of amendment, entertained by the gentleman from Massachusetts. It would be only carrying the existing principles of the constitution into "a more perfect and happier operation."

There cannot be a greater political solecism than that which is involved in the idea of commencing the election of the President upon one principle, and ending it according to another. If the popular principle is the true principle of this election, as indicated by the constitution itself, nothing can be more absurd than to abandon it entirely as soon as the people, at the first effort, fail to give a majority of votes for

one candidate. It looks like punishing the people, by forfeiture, for not being more unanimous. And rest assured, sir, they will adopt means to avoid the penalty hereafter, even if you do not amend the constitution. Not only the large States, but all the States that regard the principles and the purity of our Government as objects worth preserving, will certainly concur in some preliminary measures to make the popular vote conclusive, and prevent what, under the most favorable circumstances, is a great national evil—an election by the House of Representatives.

In my opening remarks, I stated that, in every well-organized Government, extensive powers must be vested in the Executive Department; that the only effectual means of rendering these powers compatible with public liberty, was an efficient and direct responsibility to the people; and that, in point of fact, the power of the President of the United States was nearly equal to that of the king of England. This, says the gentleman, is "an exaggeration too violent to be admitted in the heat of argument;" but, being resolved to surpass his antagonist, in whatever he undertakes, even should it be exaggeration, he asserts that the Executive has *no power at all; that we have no Government!*

The gentleman from New Hampshire (Mr. BARTLETT) urges it as an argument against taking the election of the President from this House, that we are compelled to choose one of the three highest on the list of those voted for by the electors; and it is, therefore, of very little importance which of them we choose, whether the highest or the lowest. In my judgment, a stronger argument could not be advanced for divesting this House of the power it now exercises. If it is of so little importance which of the three prominent candidates shall be elected, why bring the agitating question into this House? Why expose this body to certain distraction and probable corruption, when there is no object to be accomplished by it that will compensate for the hazard? Shall the members of this House wantonly run into temptation, merely for the sake of illustrating their incorruptible purity? The gentleman from Massachusetts has said, that, if the king of England were elective for four years, no ministry could keep their seats for four weeks. Sir, if I know any thing of England, a single election of a king, by the Parliament, would literally destroy the political system, by the corruption and violence to which it would give rise. The same consequences, or very nearly the same, must, in the course of time, and at no very distant period, take place in this country, if we do not make this change in our constitution. Ambition, that, in all ages, has either marched to empire through blood and violence, or made its inglorious way through fraud and corruption, is the same active, restless, and ungovernable passion here, that it has been found in all other coun-

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tries. No political millennium has opened upon us. The nature of man is unchanged. We can only hope for exemption from the corruption and depravity which history records of other countries, by avoiding the imperfection in our political organization that produced those evils in their systems.

But, appealing from the history of other countries, gentlemen have triumphantly referred to our own to disprove the alleged imperfection in the mode of choosing the President. The gentleman from New Hampshire (Mr. BARTLETT) has called our attention to the election of 1801, by the House of Representatives, and he cites the success of Mr. Jefferson as a proof of the fitness of this House to perform the electoral function. Sir, the gentleman could not have selected a more unfortunate example to illustrate his argument. If ever there was a dark and portentous period in our political history, it was that of the contested election between Thomas Jefferson and Aaron Burr, in the House of Representatives. Those who were then on the theatre of political life, can tell the gentleman with what trembling apprehensions, with what indignant denunciations, the people of the United States looked, week after week, upon the disgraceful drama that was going on within these walls; when the peace of the Union and the fate of the Republic were suspended on a thread, and when the nation was finally saved from the usurped dominion of a vile and unprincipled intriguer, more by the Providence of God, than either by the wisdom or virtue of those upon whom the high duty had devolved of electing a President. Sir, what was the principle involved in the attempt, so nearly consummated by success, to make Aaron Burr the President, by the vote of this House? It was a question of naked, unmitigated, desperate usurpation. With the undisputed fact before them, that he had not received one solitary vote in the Union for President, there were found in these walls, not only one or two men, but almost an entire party, prepared to bid a bold and reckless defiance, both to the will of the nation and the principles of the constitution. If they had succeeded, this nation would have been shaken to its centre, and what commenced in faction, would, probably, have ended in blood. And yet this scene, where all the madness of faction presided over the deliberations of the conclave, is referred to as an argument against taking the election from this House!

But those, it may be said, were days of factionous violence, when the country was divided into two organized parties. I admit they were, sir; and do you expect a new era in history—that we are, from this time forward, to have no parties?

As to my own course, it is distinctly marked out. I shall liberally sustain the just and proper measures of this Administration: and, for the sake of illustrating my principles, I wish I could sustain them all—but I shall as

decidedly oppose their re-election. Brought into existence by the sinful embraces of an unprincipled coalition, with the “primal curse” of *usurpation* indelibly stamped upon them, no subsequent measures can purify them from the original sin of their generation and birth.

An honorable member from New Hampshire (Mr. BARTLETT) has been pleased to refer to the celebrated sentiment of Mr. Crawford—“Judge the Administration by their measures”—as a just rebuke to the petulance of faction. Judge the Administration by their measures! No, sir; I will judge of the measures of the Administration by their own intrinsic merits: but I will not judge of the Administration by their measures only, when they come to settle the accounts of their stewardship, and ask for a renewal of their trust. It would be just as reasonable to ask of me, when my horse is stolen, to let the judgment of condemnation depend, not upon the fact of the felony, but upon the kindness or cruelty with which the thief should use the stolen animal.

When Mr. McDUFFIE had finished his argument, Mr. TRIMBLE obtained the floor, but gave way at the request of

Mr. EVERETT, who begged leave to offer a single word of explanation. The gentleman from South Carolina, Mr. E. said, has taken occasion, after claiming to himself the merit of exclusive consistency on this subject, to attempt to fix a charge of inconsistency and change of opinion upon me; and has endeavored to support this charge by a selection of sentences, and parts of sentences, from an article published, six years ago, in a journal with which I had an editorial connection. It is a sufficient reply to this charge to say, that I never, in my life, expressed an opinion upon the subject of the gentleman's amendment, in either branch of it, until I came to the discussion of it this winter. I never could have expressed an opinion, for I am not conscious of ever having devoted an hour to the examination of the question. With respect to the sentiments which the gentleman has cited from the North American Review, though I have but a general recollection of the contents of the article in question, which I have not seen since the correction of the proof-sheets, the gentleman knows—since he appears to have read it with care—that they refer to a very different matter. The writer of that article attempts a sort of outline of the constitution, in reply to a remark of Jeremy Bentham, whose information of our institutions appears to have remained stationary since the Old Confederation, and who actually speaks of the President of the United States as the President of Congress. Quoting this remark, and refuting the doctrine implied in it, the writer of the article goes on to say, that the present Government of the United States is a National Government, (not like the old one,) a Confederacy of the States. The President is the President of the people; the Representatives, the Repre-

sentatives of the people; the Judiciary, the Judiciary of the people; and the Senate, the only branch which represents the States as such: that, had the Union been a compact simply between the States as such, they would have had an equal vote in the choice of President, &c. All this, sir, is unquestionably true. The gentleman says, these were my former views; they certainly are my present views: for, though the present constitution was formed by compact between States equally sovereign, it is not itself a compact between States, retaining each an equal share of the sovereignty, as was the case with the former Confederation. I freely grant the gentleman that the writer of the article, in saying that the representation in the Senate, is the only trace of Federal equality, fell into an error, no doubt, from the haste and carelessness incident to anonymous periodical writing. The choice of President is, also, in some respects, federative: this is not matter of opinion, on which to ground a charge of inconsistency; it is matter of fact, overlooked or omitted by the author of the essay which the gentleman cites. The gentleman from South Carolina and myself do not differ as to the proposition, that the choice of the President is, to a certain extent, a federative feature of the Government. We differ as to the right now to alter that, which, at the time, was fixed by compromise, between parties then equally sovereign, and who agreed to give up certain portions of their equal sovereignty, and no more; and to establish a Government to a certain degree National, and to a certain degree Federative.

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SATURDAY, April 1.

*Amendment of the Constitution.*

The House, on motion of Mr. McDUFFIE, went into Committee of the Whole on the state of the Union, Mr. McLANE, of Delaware, in the chair, on the amendments proposed by Mr. McDUFFIE, to the constitution.

Mr. TRIMBLE addressed the committee. He began by saying, that the Locrians had a statute which required the person who intended to propose an alteration or amendment of their *fundamental laws*, to go into the assembly of the people, with a rope round his neck; and if he failed in his plan of alteration or amendment, the statute declared that he should be instantly hung up, without any further trial or conviction. He thought it possible that similar enactments might be useful in our day and generation, to repress the *rage* in favor of amending constitutions; but he did not wish for such a law at present, because there were some twenty plans before the House to amend the Federal Constitution; nineteen of which would fail beyond a doubt, and probably the other also; and of course the law of the Locrians, if in force among us, would sweep us off by tens and twenties, and thin our ranks most marvelously. But he would hold it up to the com-

mittee as a fit remedy for premature and useless innovations in the course of legislation. Historians tell us that these Locrians made no alterations in the body of their laws for about two hundred years; during which period they were a prosperous and a happy people; applauded and admired by all the other States of Greece around them.

Mr. T. was in favor of the proposition to exclude the election from the House, but was decidedly opposed to any scheme which would diminish or impair the full power of the States to regulate the whole subject, as separate independent bodies, or communities of people. His best judgment was opposed to the districts, and he should vote against the District system, unless he should find the people of his State in favor of that plan. It was admitted on all sides, in debate, that the States, in adopting the District system, would have to surrender some portions of their power over the election; and this was not consistent with his views of Federal or State policy. His opinion was, before he came into Congress, that the Federal Government was rather too weak and feeble to maintain itself against the States: but he was now fully satisfied that the States were the weaker vessels, and he would not agree to increase their weakness by taking power from them.

He would vote, he said, with the gentleman from South Carolina, (Mr. McDUFFIE,) in favor of his abstract proposition to exclude the election from the House, but not for the reasons offered by that member.

The great objection urged against the present mode of election is, the improper use that may be made of power and patronage to corrupt the members and control their votes. But here a plain distinction had been overlooked by those who had preceded him in argument. There are, said he, two classes, or divisions, of this power and patronage; first, the power and patronage incident to the Presidential office, and to be exercised, from time to time, by the man in office, in the discharge of his official duties; and, second, the power and patronage incident to each of the three candidates before the House; and which each of them could only use potentially. These two classes of power and patronage differ widely from each other. The first is not complained of; on the contrary, the gentleman (Mr. McDUFFIE) approved it in his first speech—contended that it was right and proper—protested against its diminution—declared himself the last man who would oppose it—made it out to be equal, or nearly equal, to the power and patronage of the king of England—thought it absolutely necessary in our system of Government, and was unwilling to place any check upon it, except the check of “sublime responsibility.” In fact, the plans and propositions of amendment in debate, were not brought forward or intended as a check upon the exercise of power and patronage by the President after he is inducted into office.

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And yet the President, after his induction, may use the same power and patronage to secure his re-election. He could use it in both Houses, and in the States and Districts also; and the pernicious effects resulting from the actual use of it, here or elsewhere, for a period of four years, would far exceed the effects resulting from the use of it potentially, by the candidates before the House, for a few days, or at most, a few weeks only. And then again the President, after his re-election, may use this power and patronage during his last term of four years, to bring in a favorite successor. And yet the gentleman offers us no plan to check the left-handed exercise of all this mass of power and patronage. He dreads the *power and patronage incident to the candidates before the House*. It is this that he complains of; and this, he thinks, will make this body more corrupt than any legislative body ever has been heretofore.

Mr. VANOE then addressed the committee: Sir, the members of the Convention that framed this constitution put the election, in the last resort, where it now rests; and I have no doubt that they viewed the whole ground, and weighed, in a proper manner, the difficulties that were to be encountered, either in throwing it back a second time to the people, or any pre-existing body under the State authorities. The gentleman from Virginia, (Mr. STEVENSON,) to whom I listened with so much pleasure, in the very able view he took of the Federal features of this Government, has proposed, in the last resort, to give the election to the State Legislatures. Sir, volumes might be spoken and written, in my opinion, to show the impropriety of such a step; if there was no other objection, the simple fact that those bodies, under the constitution, have the appointment of Senators confided to their charge, would be sufficient of itself.

The Executive Department consists of two branches, the President and the Senate. The Senate is intended to operate as a check upon the President. The Senate, also, in its judicial character, is to sit as a court of impeachment, to try the President. It is, therefore, manifest, that they ought to be as independent of each other in sentiment and feeling, as practicable. Is it not then improper, that the President and Senate should owe their election to the same bodies of men? I ask that gentleman, seriously, to reflect before he takes this step. I ask this House, and this nation, to pause before they unhinge the constitution of their country; to remember the difficulties that their ancestors had in bringing into successful operation this splendid monument of intellectual wisdom—the result of one of the noblest efforts of mutual concession and compromise, that was ever effected by any political body in any age or nation.

Mr. T. P. MOORE, of Kentucky, said he was in favor of the resolutions of the gentleman from South Carolina. They were in strict ac-

cordance with a fundamental article in his political creed, that the people were the safest depository of every power which it was practicable for them to exercise. But the duties with which he had been charged, by his immediate constituents, and the vigorous support which the resolutions had received, rendered any exertions, on his part, to advance them, both inconvenient and unnecessary.

Mr. HAMILTON moved that the committee rise.

Mr. BUCHANAN appealed to the committee on the propriety of closing the debate on these resolutions; stating that he had himself prepared, with much care, a speech on the subject, which, after what had taken place, he now would suppress.

Mr. WEBSTER pressed the same point, and moved that the committee rise.

Mr. STORRS asked him to withdraw the motion, that he might merely state that his vote on the propositions would be the same as recorded on the Journals among the yeas and nays, in a former Congress; but he refused to comply, and the question being taken, the committee rose.

Mr. WEBSTER then moved, in the House, that the Committee of the Whole on the state of the Union be discharged from the further consideration of these resolutions; which was agreed to; and the committee was discharged accordingly.

Mr. McDUFFIE then substituted for his original resolutions, the amendments he had offered in Committee of the Whole, viz:

“Resolved, That for the purpose of electing the President and Vice President of the United States, the constitution ought to be amended in such manner as will prevent the election of the aforesaid officers from devolving on Congress.

“Resolved, That a uniform system of voting by Districts ought to be established in all the States, the number of Districts in each State to equal the number of Senators and Representatives to which such State may be entitled in Congress, and each District having one vote.

“Resolved, That a select committee be appointed, with instructions to prepare and report a joint resolution, embracing the aforesaid objects.”

Mr. COOK again moved the amendment which he had offered, in Committee of the Whole, as an addition to the first branch of Mr. McD.'s amendment, viz:

“And as will authorize the voters qualified to vote for the members of the House of Representatives of the United States in each State, to vote directly, in such manner as the Legislature thereof shall direct, for the aforesaid officers, reserving to each State, after the failure to make a choice of either of the aforesaid officers in the primary election, on the principle that such primary election is now made, an equal vote in such election; and that a convention be authorized in each State, to act on the aforesaid amendments.”

Mr. WICKLIFFE moved to amend Mr. Cook's amendment, by striking out that clause which proposes the calling of a convention in each State to consider the amendments that may be



sent down to the several States for acceptance or rejection.

Mr. SAUNDERS now moved the *Previous Question*, (the effect of which precludes all amendments and debate, and requires at once a decision on the main question before the House.) The motion of Mr. SAUNDERS was sustained,—ayes 86, noes 60. The previous question was then put, viz: "Shall the main question now be taken?"

On the decision of this question, Mr. POWELL called for the yeas and nays, which were ordered, and were—yeas 128, nays 64.

So it was determined that the main question should now be taken.

Mr. McDUFFIE called for a division of the question, that the vote might be taken first on the proposition to remove the Presidential Election from the House of Representatives, and then on the District System; which was agreed to.

The question was accordingly stated on the following resolution, viz:

"Resolved, That, for the purpose of electing the President and Vice President of the United States, the constitution ought to be amended in such manner as will prevent the election of the aforesaid officers from devolving on Congress."

And, by request of Mr. BARBOUR, of Virginia, the question was taken by yeas and nays, and decided as follows:

YEAS.—Messrs. Adams of N. Y., Addams of Pa., Alexander of Va., Alexander of Tenn., Allen of Tenn., Alston, Anderson, Angel, Armstrong, Ashley, Bailey, Badger, Barbour of Va., Barney, Bassett, Baylies, Blair, Boone, Brent, Buchanan, Buckner, Cambreleng, Campbell, Carson, Carter, Cary, Cassidy, Claiborne, Cooke, Conner, Cook, Crump, Davenport, Deitz, Drayton, Edwards of Penn., Edwards of N. C., Estill, Findlay of Penn., Findlay of Ohio, Fosdick, Garnsey, Garrison, Gist, Govan, Gurley, Hallock, Hamilton, Harris, Hayden, Haynes, Hemphill, Henry, Hines, Hoffman, Holmes, Houston, Hugunin, Humphrey, Ingham, Isaacks, Jennings of Ind., Johnson of Va., James Johnson, Francis Johnson, Kellogg, Kerr, Kremer, Lawrence, Lecompte, Letcher, Lincoln, Little, Livingston, Long, Mangum, Marable, Markell, Markley, Martindale, Marvin of N. Y., McCoy, McDuffie, McKean, McLean of Ohio, McManus, McNeill, Mercer, Merriwether, Metcalf, Miller of N. Y., Jas. S. Mitchell, Mitchell of Md., Mitchell of Tenn., Moore of Ky., Moore of Alabama, Orr, Owen, Peter, Plumer, Polk, Porter, Powell, Rives, Rose, Ross, Saunders, Sawyer, Scott, Smith, Stevenson of Penn., Stevenson of Va., Stewart, Taliaferro, Tattall, Taylor of Va., Test, Thomson of Penn., Thompson of Ga., Thompson of Ohio, Trezvant, Trimble, Tucker of S. C., Verplanck, Ward, Weema, Whittemore, Wickliffe, Williams, James Wilson, Henry Wilson, Wilson of S. C., Wilson of Ohio, Wolf, Woods of Ohio, Worthington, Wurts, and Young—138.

NAYS.—Messrs. Allen of Mass., Baldwin, Bartlett, Bartley, Barber of Conn., Beecher, Bradley, Brown, Bryan, Clarke, Condict, Crowninshield, Davis, Dwight, Eastman, Everett, Forsyth, Hasbrouck, Healy, Herrick, Ingersoll, Kidder, Locke, Mallary, Mattocks, McLane of Del., Merwin of Conn., Miner,

Newton, O'Brien, Pearce, Phelps, Reed, Sands, Sloane, Sprague, Storrs, Strong, Swan, Tomlinson, Tucker of N. J., Van Rensselaer, Vance, Varnum, Vinton, Wales, Webster, Whipple, White, Whittlesey, Wood of N. Y., and Wright—62.

So the first resolution was agreed to.

The question was then taken on the following (second) resolution:

"Resolved, That a uniform system of voting by Districts, ought to be established in all the States, the number of Districts in each State to equal the number of Senators and Representatives to which such State may be entitled in Congress, and each District having one vote."

And, by request of Mr. LITTLE, decided by yeas and nays, which resulted as follows:

YEAS.—Messrs. Adams of N. Y., Alexander of Tenn., Allen of Tenn., Alston, Anderson, Angel, Armstrong, Ashley, Bailey, Badger, Barbour of Va., Barney, Baylies, Blair, Bryan, Cambreleng, Campbell, Carson, Carter, Claiborne, Cooke, Conner, Deitz, Edwards of N. C., Estill, Findlay of Ohio, Fosdick, Garrison, Govan, Hallock, Hamilton, Harris, Hasbrouck, Hayden, Henry, Hines, Hoffman, Holmes, Houston, Hugunin, Humphrey, Ingham, Isaacks, Johnson of Va., James Johnson, Francis Johnson, Kellogg, Kerr, Kremer, Lecompte, Lincoln, Little, Livingston, Long, Mangum, Marable, Markell, Martindale, Marvin of N. Y., McDuffie, McKee, McManus, McNeill, Mercer, Miller of N. Y., Mitchell of Md., Mitchell of Tenn., Moore of Ky., Moore of Alabama, Owen, Peter, Plumer, Polk, Porter, Powell, Reed, Rose, Ross, Saunders, Sawyer, Scott, Smith, Verplanck, Ward, Webster, Weema, White, Whittemore, Wickliffe, Williams, Worthington—90.

NAYS.—Messrs. Addams of Pa., Alexander of Va., Allen of Mass., Baldwin, Bartlett, Bartley, Barber of Conn., Bassett, Beecher, Boone, Bradley, Brent, Brown, Buchanan, Buckner, Carey, Cassidy, Clarke, Condict, Cook, Crowninshield, Crump, Davis, Davenport, Drayton, Dwight, Eastman, Everett, Edwards of Pa., Findlay of Pa., Forsyth, Gist, Gurley, Harvey, Haynes, Healey, Hemphill, Herrick, Ingersoll, Jennings of Ind., Kidder, Lathrop, Lawrence, Letcher, Locke, Mallary, Markley, Mattocks, McCoy, McKean, McLane of Del., McLane of Ohio, Merriwether, Merwin of Conn., Metcalf, Miner, James S. Mitchell, Newton, O'Brien, Orr, Pearce, Phelps, Rives, Sands, Sprague, Stevenson of Pa., Stevenson of Va., Stewart, Storrs, Strong, Swan, Taliaferro, Tattall, Taylor of Va., Test, Thomson of Pa., Thompson of Ga., Thompson of Ohio, Tomlinson, Trezvant, Trimble, Tucker of N. J., Tucker of S. C., Van Rensselaer, Vance, Varnum, Vinton, Wales, Whipple, Whittlesey, James Wilson, Henry Wilson, Wilson of S. C., Wilson of Ohio, Wolf, Wood of N. Y., Woods of Ohio, Wright, Wurts, Young—102.

So the second resolution was rejected.

Mr. McDUFFIE then moved that the first resolution, which had been agreed to, be referred to a select committee, to report thereon to this House.

The motion was carried—ayes 113.

The committee was ordered to consist of 24 members, as follows:

Mr. McDUFFIE, Mr. LINCOLN, Mr. BARTLETT, Mr. BAILEY, Mr. PEARCE, Mr. INGERSOLL, Mr.

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*Diplomatic Addresses.*

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MATCOCK, Mr. HOFFMAN, Mr. CASSIDY, Mr. MARKLEY, Mr. MOLANE of Delaware, Mr. LITTLE, Mr. STEVENSON of Va., Mr. SAUNDERS, Mr. TATNAL, Mr. CAMPBELL, Mr. TEST, Mr. COOK, Mr. TRIMBLE, Mr. POLK, Mr. SCOTT, Mr. OWEN, Mr. MCKEE, and Mr. BRENT.

And then the House adjourned.

MONDAY, April 3.

Mr. THOMAS H. SILL, a Representative from the State of Pennsylvania, in the place of the Hon. Patrick Farrelly, deceased, appeared, was qualified, and took his seat.

*Diplomatic Addresses.*

The following resolution, offered by Mr. ISAACS, of Tennessee, on Saturday, was taken up ;

"Resolved, That the President of the United States be requested to communicate to this House, copies of the public addresses delivered by the Ministers of the United States to the King of Spain, since the year 1818, and also such correspondence as may have occurred between the Ministers of the United States and any of the Independent Governments of Spanish America, relating to either of said addresses ; or any communications from any of our Ministers at such Governments to our Government, in relation thereto."

Mr. ISAACS said he would briefly state the reasons for desiring this call. He was not sure that any very important information would result from it ; and he could assure gentlemen he did not ask for these papers with any view of finding fault with what had been done by anybody. But the House was about entering upon the consideration of the general subject of our relations with Spain and with the South American Republics ; and he thought it was desirable that as full a view as possible should be obtained of the whole ground. With this view it was that he had moved the resolution. It might be that some change had taken place, within these two years past, in the views of our Government towards Spain, and it might be that the South American Republics had noticed some change. It might also be desirable to see and understand in what light they considered such apparent change, and how the subject had been treated by our Ministers to those Governments.

Mr. FORSYTH observed that he did not know of any public inconvenience that would result from an adoption of the resolution ; and, even if he did, it would be a very ungracious task in him to oppose it. He thought, however, that it needed some little modification ; he would suggest such modification to the gentleman who had moved it, but should himself make no specific motion to effect it.

The resolution, said he, calls for the public addresses, delivered by our Ministers to certain foreign Governments. Now, strictly speaking, there are no addresses delivered in public. When a Minister goes to a foreign Government, he presents his credentials to the head of the Government, accompanied by a speech, if he

thinks proper—but this latter is discretionary. This, however, is not strictly a public address. Whenever, afterwards, any interchange of letters becomes necessary, an audience is demanded of the Minister for the purpose of presenting the letters, &c. There is one other occasion when a Minister has the right to present an address. If he thinks that the Minister of the Government who holds diplomatic intercourse with him is actuated by an unfriendly disposition, and manifests it by unfair and improper treatment, he may demand an audience, and make his appeal to the head of the Government. I do not know, however, that this has ever been done by any Minister of this Government. If I understand the object of the gentleman's resolution, it is to get copies of the addresses delivered by our Ministers to Spain, &c., when they presented their credentials, or were about to leave the country, and I suggest to him so to modify the resolution as to embrace his object more distinctly. I beg leave to say a word on the subject of these addresses. If any judgment unfavorable to our present Minister to Spain has been formed from any thing that has appeared in the newspapers, as his address to the Spanish court, great injustice has been done to him. The first knowledge possessed here of that address, is from a translation of it, as it appeared in the Gazette of Madrid. That print is under the absolute control of the Court. The translation of the address has no doubt been prepared for that paper in order to produce an effect in Spain. I happen to know the fidelity of the translations made for that paper. The expressions which are thought to be of a favorable kind for the Government, are made as strong as possible. Mr. F. here referred to a Message of the late President of the United States to Congress, which he said was translated so falsely, that he was very sure, could the President have read it in the Madrid Gazette, he would not have known his own language. I had some idea of complaining of this, said Mr. F.—(he was at the time our Minister to Spain)—but I knew it would do no good. Every paper for the Madrid Gazette is prepared under the eye of the Government, with a view to producing an effect.

Mr. ISAACS signified his acceptance of the modification proposed by Mr. FORSYTH.

Mr. WEBSTER said this was a small business. If any call of this kind was to be made at all, he was in favor of going for the whole. The gentleman from Georgia says that speeches are made on presenting credentials at a foreign court, and on taking leave. These are complimentary, of course ; they are considered as hardly official, and he believed were viewed as but of little importance at any time. In the same way, addresses of congratulation and of condolence were made, but they were mere matters of compliment. As, therefore, there seemed to be no bearing, in the papers asked for by the resolution, on any subject likely to come before the House, though the task of opposing

the call might be some what invidious, he thought the resolution ought not to pass. Why was this call to go back no further than 1818? Why not sweep the foreign offices clean at once? Why do we want the addresses at taking leave? If the resolution must go to the President, let it at least go in its original form, calling only for those delivered on presentation. He thought the inquiry not worth pursuing, and, under that impression, would move to lay the resolution on the table.

The question being taken, the motion of Mr. WEBSTER prevailed—ayes 75, noes 57.

So the resolution was ordered to lie on the table.

#### *Mission to Panama.*

The House then went into Committee of the Whole, Mr. STEVENSON, of Va., in the chair, on the report of the committee to whom was referred the Message of the President in relation to the Mission to Panama; which report concludes with the following resolution:

*Resolved*, That, in the opinion of the House, it is expedient to appropriate the funds necessary to enable the President of the United States to send Ministers to the Congress of Panama."

Mr. McLANE, of Del., proposed an amendment, which he prefaced by remarking that he preferred deferring the delivering of his views in support of the amendment to another time. He did not offer it with any view of embarrassing the general subject, but from a sense of the duty he owed to himself, and to those who sent him here. He wished that, before he was called to express his sentiments, the committee would so far indulge him as to allow the amendment to be printed: and, in the meanwhile, would rise for that purpose.

The amendment proposed by Mr. McLANE, is as follows:

"It being understood as the opinion of this House, that, as it has always been the settled policy of this Government, in extending our commercial relations with foreign nations, to have with them as little political connection as possible; to preserve peace, commerce, and friendship, with all nations, and to form entangling alliances with none; the Ministers who may be sent shall attend at the said Congress in a diplomatic character merely; and ought not to be authorized to discuss, consider, or consult, upon any proposition of alliance, offensive or defensive, between this country and any of the South American Governments, or any stipulation, compact, or declaration, binding the United States in any way, or to any extent, to resist interference from abroad with the domestic concerns of the aforesaid Governments, or any measure which shall commit the present or future neutral rights or duties of these United States, either as may regard European nations, or between the several States of Mexico and South America."

Mr. BROWNFIELD expressed his assent to this arrangement, though opposed to the amendment.

Mr. FORSYTH said he was very desirous of

coming to some understanding with the gentleman who had moved this amendment, so that he might, without embarrassing it, present, at the same time, to the committee, another amendment, which he had prepared, and which better met his views; but he was very loth to offer it as an amendment to the gentleman's amendment, yet did not know how else to get it before the committee consistently with the rules of the House.

The Chairman decided that it could not come before the committee in any other form.

Mr. FORSYTH then read his resolution as follows, and gave notice that, in case that of Mr. McLANE should not prevail he would offer his.

"That, in the opinion of the House, it is expedient to make an appropriation, to enable the President to send Ministers to be present at, but not to become members of, the Congress of the American States at Panama; it being distinctly understood that the said Ministers are to be authorized merely to express to that Congress the deep interest of this country in the security and prosperity of the other American States; to explain, if requested, the principles which govern the United States in their political and commercial intercourse with all foreign nations; to receive and to remit to their own Government any proposition that the whole or any one of the powers represented in Congress may think proper to offer for the consideration of the Government of the United States."

On motion of Mr. McLANE, the committee then rose, and the House ordered both the resolutions for amendment to be printed.

#### *Penitentiary for District of Columbia.*

The House then, on motion of Mr. THOMSON, of Pennsylvania, took up, in Committee of the Whole, the bill providing for the erection of a Penitentiary in the District of Columbia. An amendment was proposed to the bill by Mr. THOMSON, to strike out the whole of the original bill, and insert a new one. This motion was agreed to, and, after some conversation, the bill was reported to the House, and ordered to be engrossed, and read a third time to-morrow.

The bill from the Senate, for further regulating the accountability of public officers, next underwent some discussion in Committee of the Whole, where it was supported by Messrs. HAMILTON and TATNALL. It was opposed by Mr. CARY, on the ground of its going to enlarge the patronage of the Executive, and increase, instead of economize, the public expenditure. He failed, however, in successive motions, to amend the bill, and to lay it on the table; and the bill was ordered to be read a third time to-morrow.

The House adjourned.

TUESDAY, April 4.

The resolution offered some days since by Mr. MERGER, calling for information in relation to the cargoes of the slave ships Constitution, Louisa, and Marino, the discussion of which was arrested yesterday by the SPEAKER, on ac-

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count of the time for the consideration of resolutions having expired, came up as the unfinished business.

On this resolution the debate was farther continued by Messrs. MEBOER, WHITE, and FORSYTH. Mr. WHITE offered a slight amendment, which was accepted by Mr. MEBOER as a modification of his motion; and, after some explanations by Mr. FORSYTH, and observations in complete exculpation of the character of Judge Tate, the question was taken on the resolution, as modified, in the following form:

*Resolved*, That the Secretary of the Treasury be directed to communicate to this House, such portion of the proceedings of the Judge of the Superior Court of West Florida, acting as Commissioner under the ninth article of the treaty of 22d February, 1819, as relates to the rights of certain persons therein named to the cargoes of the slave vessels, Constitution, Louisa, and Marino; and that he also communicate the amount of the several sums of money, if any, paid to the said claimants respectively; the dates of the payment, and the authority under which they have been made.

Thus modified, the resolution was agreed to. Mr. DRAYTON moved the following:

*Resolved*, That the constitution be so amended, that, if no candidate for the Presidency of the United States shall receive a majority of the whole number of votes in the primary colleges of electors, that the candidate having the two highest numbers on the list, shall again be voted for in the same manner as at the first ballot; the votes at the second ballot to be counted by States; and that the election for the Vice Presidency of the United States shall, under the same circumstances, *mutatis mutandis*, be conducted in the same manner, and be regulated by the same principles.

*Resolved*, That no one who was an elector of the President and Vice President in the primary colleges, shall be eligible as an elector at the second election.

These resolutions were referred to the Select Committee of twenty-four, on the general subject.

The following joint resolution from the Senate was twice read, and, on motion of Mr. COOK, of Illinois, was referred to the Committee of the Whole on the state of the Union—Ayes 62, Nays 59.

*Resolved*, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, that the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States; and which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of the said constitution.

"No person who shall have been elected to the office of President of the United States a second time, shall again be eligible to that office."

#### *Mission to Panama.*

The House then went into Committee of the Whole, Mr. STEVENSON, of Virginia, in the chair, on the report of the Committee of Foreign

Relations on the Message of the President of the United States, proposing to send Ministers to Panama; which report concludes with a recommendation of the following resolve, viz:

*Resolved*, That, in the opinion of the House, it is expedient to appropriate the funds necessary to enable the President of the United States to send Ministers to the Congress of Panama"—

And the amendment offered by Mr. MOLANÉ, of Delaware, yesterday, being under consideration, in the following words:

"It being understood, as the opinion of this House, that, as it has always been the settled policy of this Government, in extending our commercial relations with foreign nations, to have with them as little political connection as possible; to preserve peace, commerce, and friendship, with all nations, and to form entangling alliances with none; the Ministers who may be sent shall attend at the said Congress in a diplomatic character merely; and ought not to be authorized to discuss, consider, or consult upon any proposition of alliance, offensive or defensive, between this country and any of the South American Governments; or any stipulation, compact, or declaration, binding the United States in any way, or to any extent, to resist interference from abroad, with the domestic concerns of the aforesaid Governments; or any measure which shall commit the present or future neutral rights or duties of these United States, either as may regard European nations or between the several States of Mexico and South America."

Mr. MOLANÉ, presuming that the amendment he had offered yesterday was still within his control, desired to modify it, by adding to it the following:

"Leaving the United States free to adopt, in any event which may happen, affecting the relations of the South American Governments with each other, or with foreign nations, such measures as the friendly disposition cherished by the American people, towards the people of those States, and the honor and interests of this nation, may dictate."

In submitting this resolution, Mr. MOLANÉ said he had been actuated by a sense of the duty he owed to himself and to those who had honored him with a seat on this floor. He had endeavored, in wording the resolution, to embrace all those principles which had characterized the policy of the United States from our earliest history; and his great object in offering it, was to preserve that policy unimpaired. He had founded the resolution on principle wholly. He was indifferent what was the phraseology employed, and was ready to submit to any modification which might be proposed, provided it did not impair the force and virtue of the resolution in the preservation of the principles it contained.

The measure to which it related, was one of great importance, and was wholly novel and unprecedented. The manner in which it had been at first presented, the manner in which it had been since conducted, and in which this House had now been called to deliberate upon it, all went to show that it was novel in its

character. He did not wish to be understood to say that it was therefore improper or inexpedient; but it was certainly novel, and it was therefore the duty of the House to ponder it well. He considered it as a subject on which the House could not be left too free in its deliberations; no extraneous influence of any kind ought to be brought to bear on its discussion. He did not think that the source from whence it proceeded ought to have the smallest influence; with him it had none; it neither weakened the force of the considerations involved in the measure itself, nor did it in the least strengthen them. He professed to feel, and he did feel, all proper respect to the functionaries of the Government—all that it became him to feel as a member of this House: he did not profess more, nor did he feel any more. He thought it very injudicious to connect with this deliberation any influence of an extrinsic kind. Every proposed measure of the Government should be left to stand on its own basis. If the present measure was to be considered on account of the source from which it proceeded, that source should have had the whole responsibility. But when the Executive throws it off, and submits the measure to this House, it comes here free from all connection with that influence. The members of the House are called to deliberate on it, on their own responsibility. The constitutional responsibility pertains alone to the Executive Department. None other has to do with it as a public measure. If it had originated in the Executive Department, and been carried on by it alone, whatever consequences of good or evil might flow from it, the entire amount of responsibility would devolve on the Executive alone. If, in this case, the Executive had assumed this legitimate and constitutional responsibility—if the President, after the Senate had approved of this mission, had come to this House and asked simply for an appropriation, Mr. McL. would have been willing to grant it with fewer scruples than he now felt; because, then the President would have had the whole responsibility. But the Executive had, he would not say shunned the responsibility, but had not assumed the whole constitutional responsibility which belonged to him. He does in substance say, that although in his judgment, it was proper that Ministers should be sent and should attend this Congress, yet he will not send them unless this House expresses its approbation of the measure, unless we are willing to share the responsibility, and shall say it is right that it should be done. By choosing this course, the President submits the measure to the free determination of Congress. He says he cannot send these Ministers without our approbation, and he therefore submits the plan to our free deliberation. I say I do not censure this course, and I am very sincere in so saying; there is much in the novelty and peculiar character of this measure, which may make it prudent in the Executive to choose such a course; but, when I say this, it is nevertheless true, that the meas-

ure is submitted to us, and that we must express an opinion upon it. We cannot recommend the measure without being a party to it. The President asks us not only for money, but for our opinion also. If he had asked for money only, I would give it with less hesitation, but he asks the House to decide on the propriety of the measure. His request is submitted to the Committee of Foreign Affairs, who, after full investigation, recommend a resolution, expressing the opinion of this House in favor of the expediency of the mission.

If I have not entirely mistaken this subject, I think the time has arrived in which this House is called upon to express an opinion upon some of the topics connected with this mission. It is due to ourselves; it is due to the President; it is due to the country, that we should express an opinion. Things which are now floating in the imaginations of gentlemen; which serve to beget various political speculations; to mislead our functionaries abroad; to decorate their arguments, or make a figure in their diplomatic communications, are likely soon to become no unsubstantial pageant. It is time they were brought to some definite form—that they were brought down to our judgments; that we may see what they are, and deal with them as they deserve. Ever since the memorable Message of the late President Monroe, we have seen the misconstructions to which certain parts of that Message have been exposed; we have seen, too, the consequences to which they have led. Those expressions have been seized upon and cherished by our public functionaries; and now we assail them for proceeding on the ground of that language, though we have done nothing to disavow it. If we disapproved the sentiment, or did not intend to adopt it, we ought to have acted before. We ought to have said so when the Message was delivered.

Mr. Chairman, I cannot reconcile myself to the explanation which is given in conversation, and in the language of debate, in another quarter, respecting this Message. It will not do to treat it as a pledge from ourselves to ourselves, or as designed to throw the moral weight of the opinion of this nation into the cause of these Governments. Nor can it be considered as having performed its office, because foreign interference has not hitherto been made. Its efficacy is to be tested when the danger comes; and if it prove unreal, then it will be any thing but moral. What, then, does its language mean? What does it give out? Is it a declaration *in terrorum* only—to be good if others are alarmed at its sound, and good for nothing if they have the temerity to disregard it? Is it simply a vaporing? Or does it contain substance? We say we will not look with indifference on certain attempts of the powers of Europe in respect to South America. The substance of this declaration evidently is, that we are prepared to resist any such attempt. This is either the holding out a threat with the hope that that threat would be sufficient, or it means that we intend to execute the threat, when the

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time for executing it shall arrive. Is this what is meant? If it is not, the threat should not be made; or if made, should not be recognized. Supposing the crisis should arrive, and this declaration should be understood as meaning resistance: What can we answer? Can we tell these powers, that we meant only to take a moral attitude? That the expression of the President was merely a declaration of our abstract opinions? That it was made without any intention ever to carry it into effect? Sir, I am unwilling to place myself or my country in that attitude.

But the question now assumes a graver character. The resistance implied in that threat, is now to be a matter of formal and public discussion. It is to be discussed at Panama. And we are called on to give an opinion in relation to the expediency of discussing it there. Here is where the subject presses on me. If we were left afloat, it would be another thing: but we are called to act. We cannot avoid it if we would. Could this House, or would it, avoid expressing an opinion upon this topic, if it were now submitted for our legislative action—if we were called on to enable the Executive to carry it into effect? Certainly it could not. It is true the subject is not now brought *here* for a decision; but it is carried to *Panama*, and we are to send Ministers there for the express purpose of discussing, arranging, and reducing it to some definite stipulation. It becomes the duty of the House to consider well such a posture of things!

As to the nature of the Congress at Panama, the view I propose at present to take of the general subject, in explanation of my amendment, relieves me from the necessity of any very minute consideration of it, and I have no desire to trouble the House with any unnecessary remarks. I must be permitted to say, (and I am sincere in the declaration,) that I do not concur with the Committee of Foreign Relations in their view of this Congress. I do not mean as to what is to be done there by our Ministers, but as to the intentions of the parties themselves in this Congress. I have no idea that it is to be a mere diplomatic meeting as regards the South American States. I think that the deliberations there are intended to be binding on the parties, without any revision of its decisions, by their respective Governments. I ask, how did that Congress at first originate? The South American States agreed upon it by treaties between each other—it is in those treaties that the powers of this Congress are to be found—and when we consult the treaties, we find that the Congress is the result of a “compact of union, league, and confederation; it is to be charged with cementing, in the most solid and stable manner, the intimate relations which ought to exist between all and every one of the contracting parties; it is to serve as a council in the great conflicts, as a rallying point in the common dangers, as a faithful interpreter of their public treaties when diffi-

culties occur, and as an umpire and conciliator in their disputes and differences. All these objects are to be accomplished by the *Congress*, not by the *parties* creating it, and it must necessarily have the power of giving effect to its own decisions. Each party to the Congress must be bound by its acts, as they would be bound by a treaty; for it is by treaty stipulation they have conferred its powers. The very reservations in the treaties with respect to this Congress, is conclusive proof of the view I have advanced. That reservation extends only to their national sovereignty over their municipal affairs, and to their relations with foreign nations, not parties to the Confederation, or Congress. The exercise of these is not to be interrupted by the Congress; but with this exception, there is no limitation upon its powers; as to all other matters, its acts must be recognized as binding; and suppose our Ministers should conclude a treaty with any of the South American States at this Congress, and any difficulty should afterwards arise as to its interpretation, who are to be the arbiters of the dispute? The Congress at Panama.

None will deny that the settled policy of this country has been not only pacific and neutral, but has been to avoid, as far as possible, all participation in the concerns of other powers, all political connections and entangling alliances, and associations not necessary for commercial purposes. It is for the interest and happiness of the *people* that such a policy should prevail, and it is the duty of the *Government* to make it prevail. It is the duty of a wise Government to consult the true and permanent interest of the nation over which it is the guardian: it pertains to such a Government not to act under, but to repress all public excitement of this kind, though it be in the main the excess of a good feeling. Public sympathy may be often aroused, and the people under such excitement will eagerly espouse the cause of a suffering nation. In such a crisis, it becomes the Government to keep a steady course of policy, and avoid the surrounding danger. The moment it casts loose from those moorings of fixed and steady principle, we are all afloat and liable to be drawn about by every gust of popular excitement. The neutrality of 1793 was proclaimed by “the Father of his Country” upon this principle: it was an act of the cool but firm moderation of the *Government* operating on the *people*; it was the basis of this neutral policy, and was the preservation of the country. The American people was infinitely more excited in behalf of the French Revolution than it is now in the cause of these South American States; and was such as would have carried the nation into a war, but for the wisdom and coolness of the Government. The same was the case with respect to the Greek struggle. It was hailed with acclamation in every part of this country, but the Government moved steadily on and kept down the excess of feeling. The same was the case with regard to the South American States.

This was another case in which the moderation of the Government counteracted and controlled the public excitement. Gentlemen all recollect how slow we were, how cautious and deliberate in acknowledging their independence. This care and caution was the act of the Government, and was considered by some as very censurable. But, in my judgment, it was wise and salutary. So in the present case, it is the duty of the Government—it is the duty of this House to interpose, and to prevent our being hurried into measures incompatible with our fundamental policy. If neutrality is our settled policy, they should have reasons of the strongest and most satisfactory kind, who desire to change it; and I am compelled to say, all that part of the Message which relates to this subject is unsatisfactory to me. I cannot assent to its reasoning. It takes this vaedictory address of the Father of his Country as the foundation of our neutral policy. But it was not so. That policy was commensurate with the very existence of the Government, or, if not with its existence, it originated at least as early as '98. That vaedictory address did not create the policy. The policy existed already. It was laid in the foundations of the Government. The address only advised the country to continue to adhere to it. The object of the address, I repeat it, was not to originate but to continue this policy. I think its spirit has equally been mistaken. If I have not greatly misunderstood its import, it had no relation to any particular people or particular time, but embraced all time and all people. The great object it had in view was to keep us out of the quarrels of *all other nations*; to disconnect us from their disputes and broils, whoever and wherever they might be. Its operation would be to leave the country untrammelled, and to preserve to it the right of free deliberation when any crisis should arise which called upon it to act. There may have existed additional and peculiar motives to recommend this policy at that particular time, and in regard to European nations.

Mr. WEBSTER said, that he did not mean at present to do more than to state, in very few words, what he thought of this amendment. When it was moved by the honorable member, looking at it as the effort to better a measure which the honorable member meant to support, and not as a mere operative in debate, he had felt a very sincere disposition to agree to it for one. But it appeared to him impossible to do so, without departing from principle, as well as precedent. It would be, as he thought, to give instructions, by this House, to a foreign Minister. Disguise it as we might, the substance was, "we will agree that the Minister shall go, if we may be allowed to draw his instructions." He would ask two questions: First. Does not the constitution vest the Executive power in the President? Second. Is not the giving of instructions to Ministers abroad, an exercise of Executive power? Why should we take this responsibility upon ourselves? He denied that the President

had devolved, or could devolve, his own constitutional responsibility, or any part of it, on this House. The President had sent the subject to the House for its concurrence, by voting the necessary appropriation. Beyond this, the House was not called on to act. We might refuse the appropriation, if we saw fit. We had the power to do so: but we had not, as he thought, power to make our vote conditional, and to attach instructions to it. There was a way, indeed, in which this House might express, and often ought to express its opinion, in regard to our foreign politics. That is, by resolution. He agreed, entirely, with the gentleman, that, if the House were of opinion that a wrong course was given to our foreign relations, it ought to say so, and to say so by some measure that should affect the whole, and not a part of our diplomatic intercourse. It ought to control all missions, and not one only. There was no reason why the Ministers at Panama should act under these restrictions, which did not equally apply to other diplomatic agents: for example, to our Ministers at Colombia, Mexico, or the other new States. A resolution, expressive of the sense of the House, would, on the contrary, lead to instructions to be given to them all—a resolution, therefore, was the regular mode of proceeding. We saw, for instance, in looking at these documents, that our Government has declared to some of the Governments of Europe—perhaps it has declared to all the principal powers—that we could not consent to the transfer of Cuba to any European power. No doubt the Executive Government can maintain that ground only so long as it receives the approbation and support of Congress. If Congress be of opinion that this course of policy is wrong, then he agreed it was in the power, and he thought, indeed, the duty of Congress to interfere, and to express its dissent. If the amendment now offered prevailed, the declarations, so distinctly made on this point, could not be repeated, under any circumstances, at Panama. But they might, nevertheless, be repeated anywhere, and everywhere else. Therefore, if we dissent from this opinion, that dissent should be declared by resolution; and that would change the whole course of our diplomatic correspondence on that subject, in all places. If any gentleman thinks, therefore, (and such opinions have been expressed,) that we ought to take no measure, under any circumstances, to prevent the transfer of Cuba into the hands of any Government, European or American, let him bring forward his resolution to that effect. If it shall pass, it will effectually prevent the repetition of such declarations as have been made. Mr. W. said he would not continue his observations, holding the floor, at present, only through the courtesy of the honorable member near him, from Virginia. He would recapitulate only his objections to this amendment. It was unprecedented, nothing of the kind having been attempted before. It was, in his opinion, unconstitutional; as it was

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taking the proper responsibility from the Executive, and exercising, ourselves, a power which, from its nature, belongs to the Executive, and not to us. It was prescribing, by the House, the instructions for a Minister abroad. It was nugatory, as it attached conditions which might be complied with, or might not. And lastly, if gentlemen thought it important to express the sense of the House on these subjects, or any of them, the regular and customary way was by resolution. At present, it seemed to him that we must make the appropriation without conditions, or refuse it. The President had laid the case before us. If our opinion of the character of the meeting, or its objects, led us to withhold the appropriation, we had the power to do so. If we had not so much confidence in the Executive, as to render us willing to trust to the constitutional exercise of the Executive power, we have power to refuse the money. It is a direct question of aye or no. If the Ministers to be sent to Panama may not be trusted to act, like other Ministers, under the instructions of the Executive, they ought not to go at all.

Mr. POWELL addressed the committee to the following effect:

I am in favor, Mr. Chairman, of the proposed mission; and, of course, in favor of the necessary appropriations to carry it into effect; and I will briefly state my reasons. When a diplomatic mission has been recommended by the President, and has received the sanction of the Senate, it ought, according to my theory of the constitution, to be an extreme case, that would warrant or justify this House in refusing means to carry the mission into effect. The President and Senate are charged with the treaty-making power, and the superintendence of the foreign relations of the nation. They possess the means of acquiring all the necessary information, and duty demands that they should exercise this power of knowing the true state of our foreign relations. They are the constitutional judges of the policy and propriety of all foreign missions. If they abuse this power, or use it unwarily, the responsibility rests with them—they must answer to the country. I will not say that occasions could not occur, where, under particular circumstances, it would not be in the power of this House—nay, where it might be their imperative duty to withhold the means of carrying the proposed mission into effect. But such a case ought to be palpable and striking. These principles have been sanctioned, without an exception, within my recollection, from the organization of the Government.

The President has recommended a mission, and nominated Ministers to Panama. The Senate, after long and mature deliberation, has sanctioned the measure. They are responsible for the measure; we are asked for an appropriation to carry this measure into effect. Unless we see distinctly that the happiness or the peace of the nation is to be endangered by this mission, it is our duty to vote for the means. It is not

for us to look through the wide range of our foreign relations minutely, to examine how such a measure may operate upon the complicated and various relations we hold with other nations, and to pronounce upon its expediency. This would be a departure from our constitutional sphere, and assuming responsibilities not devolved upon us. It is enough for us to inquire whether this measure hazards the peace, or prostrates the great interests of the nation. If we are not satisfied that such results are probable, we ought to vote for the appropriation.

Before I proceed to examine these questions, I will advert to the policy we have pursued, and the feelings manifested by the people of this country in relation to the South American Republics, from the commencement of their struggle for self-government.

If the United States were capable of acting on selfish and interested motives exclusively—if actuated solely by considerations of national pre-eminence on the American Continent: it is evident our policy would have been to have perpetuated the colonial state of servitude—the moral and political degradation of Spanish America that existed prior to the mighty struggle by which they assumed a rank in the scale of nations. In the then state of our continent, we presented the only effulgent point upon the political and geographic chart. Around us, all was dark, hopeless, wretched, and degraded. The political and moral horizon served only to add lustre to our brightness. Happily for the cause of liberal and enlightened principles, the country that gave them birth indulged no such feelings. We were free and happy ourselves. We were sensible of the blessings of our wise and benign Government. We were not yet sufficiently politically hardened to have become basely selfish. We, at an early period, from the first dawning of hope, rejoiced in their successes, and sympathized in their disasters. Under the influence of these honorable and magnanimous feelings, impelled by public sentiment, at the first moment, consistent with justice to ourselves and good faith to others, this Government, in the year 1822, voted an appropriation of 100,000 dollars to enable the President to recognize a portion of these States as independent, by sending Ministers to them.

We stood foremost, as it became us to do, in recognizing them, in despite of the angry frowns and threatening intimations of Spain. Nay, more, we did this in the very teeth, and in direct opposition to the policy, of the allied sovereigns of Europe. The act was worthy the Government, and in strict accordance with its professions and avowed policy.

Are we prepared, in the face of the world, to admit that this magnanimous act was the result of transient feeling and fleeting enthusiasm? or are we determined to assert it as an act of wisdom, justice, and philanthropy? We have hitherto considered it a subject of honest



pride, that we led the way, and marked the road, to the extension of liberal and enlightened principles. We have believed that we had given the first great impulse to the principle of self-government, as belonging to enlightened man.

But it may be said, that topics are to be there discussed, and subjects to be proposed for negotiation, that may endanger the peace and compromise the high interests of the nation. It strikes me, Mr. Chairman, as a novel doctrine in diplomacy—that a nation is to abstain from negotiating for the security and advancement of its interests, because subjects may be discussed, and measures proposed for adoption, inconsistent with neutral relations, and subversive of its interests. Did the United States violate its neutrality in the year 1798, by the subjects discussed and the proposal made in our special message to France—the history of which mission is familiar to every gentleman on this floor? Should we have violated our neutral relations, during the late European wars, by any proposition made to this Government, or to its envoys abroad, to take part in the war, and the discussion of such proposition, resulting in its rejection? I presume this will hardly be contended. It is not the propositions made or discussed between Ministers, that violate neutral relations; it is the result of such discussions alone, that can have that effect. If we have legitimate objects to attain, by a mission to Panama, we neither endanger our peace, subvert our interests, nor violate our neutrality.

Is not this mission demanded by high and important considerations, bearing directly upon the special interests of the Union? In my humble opinion, it would have been a criminal dereliction of duty, on the part of the Executive, to have declined the mission. I will proceed to present some of the objects of deep interest, inviting the vigilant attention of this Government, connected with the Congress at Panama. These Southern Republics having a population of thirty millions, abounding in all the means and resources of power—Mexico alone covering upon the map almost as much space as the United States, and bordering upon our southern frontier—are bound together by common feelings, common interests, and by solemn treaties, offensive and defensive. Can we shut our eyes upon the period when, in the course of human events, collisions of interests, and jarings of policy, may place us at issue with some or all of them? Do we derive from these considerations, no motive to meet them in discussion, upon subjects connected with our present and future relations with them? May not the present occasion, if judiciously employed, result in the adjustment of a uniform commercial policy, upon a fixed basis, that may postpone, if not entirely prevent, collision on this fruitful subject of war? If the aid of our advice and experience can improve the political or moral condition of the Southern States, are we not bound, in reference to our own interests, to afford them the aid of both? May not our Ministers,

by argument or persuasion, exert a powerful influence in preventing schemes being devised and matured, detrimental to our interests both commercial and political? These general considerations, would of themselves afford an adequate motive, to my mind, for the mission. There are some specific objects, however, in which we have a deep interest, that will form subjects of discussion in the Congress. The documents before us disclose a fixed purpose, on the part of the Southern Republics, to assail Spain, through Cuba and Porto Rico. This purpose has only been delayed at our earnest solicitation, and the subject is for discussion at the proposed Congress.

I presume there can be but one sentiment upon this subject in this Union. It is demanded of this Government, by every consideration of self-preservation—the great law of nature, and paramount to all other law—by our interests, and by humanity, not to suffer the present condition of Cuba to be altered. If this island is revolutionized, and they are separated from the Spanish Government, what are to be the consequences? Another St. Domingo tragedy is to be acted over again. The power goes into the hands of the black population, at the sacrifice and extermination of the whites. Anarchy, confiscation, and confusion ensue. An export trade of sixty millions, in which we have a deep stake, is annihilated. The commerce of this country receives a deep and lasting wound. I will not pretend to fancy a picture of the effects of such an event upon the safety and tranquillity of the slave-holding States bordering on the Atlantic. Are these States prepared to tolerate another Hayti, almost at their threshold? I answer, as a Representative of a slave-holding State, *No*. Again, look to the position of Cuba, in relation to the Gulf of Mexico, the mouth of the Mississippi, and the rivers to the east, emptying into the Gulf. Whether conquered by the Southern Republics, and held for their joint concern, or conquered by any strong naval power in Europe, it would afford the means of sealing up the commerce of one-third of the territory of this Union. I ask this committee, I appeal especially to the gentlemen of the Valley of the Mississippi, to say whether they are disposed quietly to acquiesce either in the emancipation of this island, with its present population, or to the more probable event—its conquest by the Southern Republics upon joint concern? In the hands of any strong naval power, especially in the hands of the leagued Republics, it is destined to be the apple of discord to this country. Is not the mission to Panama, in relation to this subject alone, necessary—nay, is it not absolutely demanded by a due regard to our safety and interests? At that Congress this matter is to be discussed and settled. Ought not the voice of this nation there to be heard, employing, first, argument and persuasion, to divert them from their purpose? If these means fail, solemn protest; and, if this be ineffectual to stay them, the time will then

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have arrived for us to act. The present state of our negotiations with Mexico, furnishes another argument in favor of this mission. A discrepancy in the basis upon which our commercial relations with her Southern neighbors is to stand, would be deeply to be deplored, and must necessarily lead to unpleasant and perplexing results. The Congress at Panama affords the most promising opportunity of attaining the object of uniformity as well as reciprocity. Backed, as we shall be, by those with whom we have concluded commercial arrangements, it is hardly credible that Mexico will still adhere to a principle, to us inadmissible, and not insisted upon by any other party. There are many other objects of interest to this nation, that might be enumerated. I have, however, presented enough to satisfy every dispassionate man, that this mission is demanded by sound policy. I have examined this subject with anxiety, to come to a just conclusion—an anxiety proportioned to the appalling admonitions of threatening danger and ruin, that we have heard from another quarter. I have come to an honest and dispassionate conclusion, to vote for the mission. Whether this conclusion be wise or not, time will determine. If it should lead to entangling alliances with the nations of this continent or elsewhere, I shall deplore the error of my judgment. But, if such should be the result, the vigilance of the Senate must slumber—upon them will rest the responsibility. They hold the corrective and preventive power. This much is certain—the authors of such a policy will be hurled from their high places, and consigned, by an indignant people, to a just reprobation.

One word more as to the amendment of my friend from Delaware. I respond, Mr. Chairman, to almost every sentiment in that amendment; and, if it can be so modified as to meet my entire views, I shall hereafter be prepared to give it my decided vote: for it will be recollected that, only a few days ago, I explicitly declared that I was opposed to every thing in the shape of a pledge. I will not consent to give such a pledge, either in reference to my own country, or to the Southern Republics themselves. But, at the same time, unless circumstances shall produce an important change, whenever any of the powerful nations of Europe shall attempt to seize upon Mexico, I am disposed not to view such an attempt with indifference, and I will use my utmost influence to rouse the nation, in such a case, to interpose our military power. I will never suffer Mexico to be seized by any power of Europe, immediately under my observation, without making an effort to prevent it.

WEDNESDAY, April 5.

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The House resolved itself into a Committee of the Whole, Mr. STEVENSON, of Virginia, in the chair, on the report of the Committee on Foreign Relations, which concludes with a resolution.

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lution proposing to send Ministers to Panama; the amendment offered by Mr. MOLLAN, of Delaware, being also under consideration.

When the measure recommended by the Committee on Foreign Affairs was first announced by the President, in his message to Congress, Mr. WICKLIFFE said, like many others, not understanding the precise character of the Congress, its powers, and tendency, and probable consequences to this country, his first impressions were favorable to it. We were told by the President that, "among the measures which have been suggested to them by the new relations with one another, resulting from the recent changes in their condition, is that of assembling, at the Isthmus of Panama, a Congress, at which each of them should be represented, to deliberate upon subjects important to the welfare of all. The Republics of Colombia, of Mexico, and of Central America, have already deputed Plenipotentiaries to such a meeting, and they have invited the United States to be also represented there by their Ministers. The invitation has been accepted, and Ministers on the part of the United States will be commissioned to attend at those deliberations," &c., &c. The Message, upon every other topic, connected with our relations, whether foreign or domestic, was lucid and able. Upon this subject, all must admit it to be deficient. It did not specifically define the nature and character of this Congress, its powers, and mode of action. The people of the United States, ever alive to the success of liberty, in whatever clime or country she struggles; and believing this measure calculated to promote and cheer its success, without jeopardizing her abode in this her own land, saw no cause to oppose this measure. He said he himself had viewed it, at first, in that aspect. He had considered it merely a meeting of diplomatic agents. He had not read the treaties which created it; and, as a measure of the Administration, having for its objects, diplomatic results, he had not condemned it. But, when documents, connected with this subject, had been submitted to our inspection, and been carefully examined by him, his first impressions had been changed. He had examined the Message of the President and the documents which accompanied it, with as sincere a desire to lend the sanction of his judgment to the measure, as ever did poor sinner read the pages of Revelation, to fix and confirm his faith. He was unable to succeed. And the more he examined the question, and stripped it of that mask which is incident to diplomacy, the more he became convinced of the dangerous tendency of some of the objects contemplated by this Congress, connected with our own immediate and future interests. And if, in the opinion of any one, he should fall under the dreadful denunciation of having united himself with the "unprincipled faction," in this, or the other House, to thwart the just measures of the Administration, he should appeal to the enlightened judgments of his constituents, to

whom he was accountable for all his acts here, to ask them, upon an impartial review of his past life, to pronounce upon his course. With them, he knew he should meet with a liberal indulgence; and if they, upon examination of all the documents, disapproved the course he had pursued, he felt satisfied they would award to him honesty of purpose, and a devotedness to the political institutions of our common country.

Since the gentleman from Delaware (Mr. McLANE) had submitted his amendment, and favored the committee with his views and reasons for so doing, Mr. WICKLIFFE said he felt himself relieved from much of that dread responsibility which he had before assumed. He was pleased to find his views of this subject in concert with those of that gentleman, so distinguished for his talents, and so justly entitled to, and enjoying, the confidence of this House.

This committee is called upon to give an expression of its opinion as to the expediency of the mission. It is called upon to do this, not by the report and resolution upon your table alone, but by the President himself, in his Message to this and the other House. With the understanding of this House, expressed by its vote, as is contained in the amendment of the gentleman from Delaware, he thought the mission expedient: without it he deemed it inexpedient, and fraught with danger. If it should be thought by this committee, as has been asserted by the gentleman from Massachusetts, (Mr. WEBSTER,) and the gentleman from Virginia, (Mr. POWELL,) that the amendment interferes with the constitutional power of the Executive Department, over the foreign relations of the country; so far as there may be any interference, it has been invited by the Executive himself, and now imposed upon us, by the original resolution of the committee. We are called upon by the committee to say, that this mission is expedient. Suppose that a majority of this House shall say that they do believe it inexpedient: for if they have a right to vote that it is expedient, they certainly have the right to vote that it is inexpedient. The *one* is no more an interference with the Executive power than the other: and if we have a right to vote that it is inexpedient in toto, we certainly have a right to say, for some of the objects contemplated, it is expedient; for others, that it is not. But, sir, I must express my unqualified dissent to the doctrine of both the gentlemen: a doctrine long since exploded from the politics of this House, and which, if I am not mistaken, received its vital stab some twenty-six years ago; and I am against its resuscitation now.

I hold it to be within the power of this House; it is its duty upon all fit occasions, to pronounce the judgment of the people upon measures, perfected or contemplated, touching the foreign relations of the United States: more especially upon a measure which contemplates a radical change—an inroad upon the long-established and settled policy of this Government: for such, I believe in my soul, the present one to be.

The gentleman from Massachusetts (Mr. WEBSTER) told us upon yesterday, that to the amendments of the gentleman from Delaware he could see no objection, so far as it might be *proper* to express our opinion, but that he thought it improper to annex it, by way of amendment, to the resolution of the committee.

[Mr. WEBSTER explained. He had said, that, in the greater part of the sentiments contained in the amendment, he entirely concurred; but there were some positions in it to which he had decisive objections.]

Mr. WICKLIFFE proceeded. I was not disposed to misunderstand the gentleman; and as he did not, yesterday, apprise us of any particular portion of the resolution to which he objected, I understood him as assenting to the whole. He does not now say to what "portions of it he has decided objections." [Mr. WEBSTER here farther explained. With respect to the general tone of the remarks of the gentleman from Delaware, on the wisdom of maintaining a neutral policy, or the impropriety of departing from it, he entirely concurred; but the adoption of the amendment in any form, would go to change the whole course of our diplomacy, and particularly to affect one subject of vital interest to the country—he meant the policy of the United States with respect to Cuba. The amendment is entirely adverse to the ground taken by the American Government on that subject, not only in their correspondence with the South American Governments, but also with the courts of Europe. The amendment says that no subject shall be discussed, which may, in any wise, commit our neutral relations. How, then, can this declaration of ours, respecting Cuba—I mean the declaration that we cannot with indifference, see that island pass into the hands of any other power than Spain—be discussed, if this amendment prevails? It is with that part of the amendment that I do not concur.]

Mr. WICKLIFFE resumed. Sir, this remark of the gentleman did not escape my attention yesterday, and I do not mean that it shall to-day. When I said that the gentleman from Massachusetts acquiesced in the sentiments of the amendment, I referred more particularly to that part of it which declares that our Ministers who may be commissioned to attend the Congress at Panama, ought not to be authorized to discuss, consider, or consult, upon any proposition of alliance, offensive or defensive, between this country and any of the Spanish American Governments, or any stipulation, compact, or declaration, binding the United States, in any way, or to any extent, to resist interference from abroad with the domestic concerns of the aforesaid Governments. I do not understand him as avowing his dissent to this portion of the resolution. I do not believe there is a Representative upon this floor who is bold enough to avow his wish to the world, that these subjects shall be discussed, considered, and the alliance formed. If it is not proper to form the alliance, why entertain a discussion? If the

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gentleman from Massachusetts desires to leave our Ministers free to discuss the subject of the contemplated invasion, or probable transfer of Cuba—and the amendment, in his judgment, precludes the consideration of that topic—we will assent to any modification of it, so that you keep us free from the other subjects; whenever it is proper to discuss them, here, in this House, is the proper place.

Again: the gentleman says, it is unconstitutional for this House to interfere in this form with the Executive powers of the Government. I would ask him whether this House has never, on any former occasion, expressed its opinion with regard to our foreign relations? Whether it never proceeded so far as to go ahead of the Executive Department? And when I speak of the Executive Department, in reference to our foreign relations, I wish to be understood as including the Senate as a very important portion of that department. Upon this, as upon all other matters, I regard them as the sentinels placed upon the watch towers of State sovereignty, out of whom I do not believe there can be formed an "unprincipled faction." Did not the gentleman himself call upon the last Congress, by resolution, to express its opinion upon the course the Executive ought to pursue toward the Greeks, who were struggling for the establishment of civil and religious liberty? The history of the proceedings of this House in reference to the South American Republics, in reference to this very mission, furnishes ample authority for the propriety of the present course.

To the final and permanent success of the revolution in the Spanish Colonies, this Confederate Congress of belligerent nations was necessary and proper. With the objects contemplated to be attained by it, the United States, as a neutral power, had nothing to do. And hence we find that, in all the treaties between those different Republics creating this Congress and defining its powers, there is no provision made or contemplated for the participation of the United States in its deliberations. It is true that, as early as May, 1823, we seemed to have received some unofficial intimation that we were to be called upon to *preside* at this Congress; but not until after the Message of President Monroe, of 1823, had superinduced the belief, in some of these Republics, that the United States "had pledged themselves to make cause with them in case any other power, united with Spain, should attempt to interfere with their independence or form of Government," do we hear of any determination, officially, to invite us to take part (not "to preside") in the deliberations of this Congress.

I will not stop here to inquire how our Cabinet at home, or its functionaries abroad, have countenanced the idea that this nation had so pledged itself; but I am warranted in saying that Mr. Poinsett, our Minister near Mexico, has, in his official language, contributed much toward that impression, and I am unable to find that the language which he had thus held has

been disapproved by the Executive. The invitation is now given and accepted, and it ought not to escape the attention of this committee, that the invitation has only been given by three of those Republics, whose Representatives are expected to compose this Congress. Given by a minority of those States, what is to be the result, if the other Republics, who have not invited us to this political banquet, shall object to our Ministers taking their seats at this national board? Would it not have been better to have waited until we were invited by at least a majority, if not all of these nations? No, sir; we have displayed an eagerness, and an impatience, in the acceptance of this partial invitation, as if we were afraid that it might be withdrawn. We have determined to go there, blind-folded, as invited guests, for our conduct to be regulated by "modes of action," of which we know nothing, and about which we, in all probability, never will know any thing. We were invited, sir, because of a belief by these nations, that we stood *pledged* to make common cause with them, if the contingency happened; and but for this belief, we should not have been thus honored, and, as some suppose, complimented, by the invitation.

Mr. Chairman, as the friends of this measure all unite in the opinion, that any alliance would be an impolitic and a dangerous departure from that system of neutral and safe policy which has been so long and happily pursued by this Government, and conducted us to such prosperous results: I entreat them to unite with us, and, by our unanimous vote, let us relieve the Cabinet from what I believe to be a most embarrassing condition.

Whatever may be our notions of this memorable pledge, "this pledge to ourselves," the Spanish American States understand and believe us committed upon the subject. They understand, from the nature of their invitation and of our acceptance, that the President sends his Ministers there "specially instructed" upon these subjects. It is our duty to them, we owe it to ourselves, to undeceive them; and how can we do it more appropriately, more respectfully, and more effectively, than by adopting the amendment?

If we vote that this mission is expedient, without the declaration contained in the amendment, we stand committed. It is no longer a declaration of our President; it remains no longer "a pledge to ourselves;" our fate, at least our honor, is on board this Spanish vessel of State. But one of my colleagues, (Mr. F. JOHNSON,) the other day, expressed the hope that we should never have a President and an Administration, who would be unwilling to redeem this pledge. He triumphantly asked us, if we are prepared to back out? Do we seek to withdraw a pledge we have given? To this I have but one answer—Leave the Government of the United States free to act. And whenever the war-making power shall say the time has come when it becomes us, as a free

nation, to unsheath our sword, buckle on our armor, and to defend our liberties and free institutions, he will find in those who oppose this measure as much moral, political, and physical courage, when dangers press, as belong to its advocates.

We will suppose the occasion to have occurred; we will imagine that Spain has prevailed upon the sympathies of France, and that a French fleet and army were upon the shores of our sister Republics, for the avowed determination of re-conquering those States, and to reduce them to their former condition as colonies. In the language of Mr. Salazar, we will suppose the *casus fœderis* to have occurred. I put it to gentlemen—I put it to my colleague to say, if he would now declare war in defence of South American liberty?

Upon a question involving such consequences, I would pause. I would consult the judgments of the men who may be called upon to traverse the burning regions of that country, and, in the language of Mr. Poinsett, "who are to bear the brunt of the contest;" upon that judgment I could more safely rest than upon the heated excitement of politicians, who have caught what has been appropriately termed "the South American fever."

I will not detain the committee with noticing the other topics, suggested by the Spanish commissioners as fit subjects for the deliberations and determinations of this Congress, save one or two, and these also have mingled themselves with the views of the Executive. They propose to settle some principles, or, in other words, to change some principles of international law. I do not profess to be a civilian, yet it occurs to me to be rather an extraordinary body to adjust, change, or alter, the known and settled law of nations. The people of a portion of the world, containing a population of some thirty or forty millions of inhabitants, (and the greater portion of them just emerging from a state of the most wretched and oppressed colonization,) propose to settle, adjust, and to alter, the law of nations—that law, which alike must govern and regulate all civilized States!

Again: the political condition of Hayti is also to form the subject of discussion, and is to be settled. That is a question for our Government to settle; and, should this House ever be called upon by this, or any other President, for an outfit and salary of a Minister to this sable independent Government, you will then find more advocates for the constitutional power of this House over the subject of our foreign relations, than have been, or will be found, on the present occasion. Whether the Spanish American States will or will not hail the inhabitants of this ill-fated isle as a free and independent nation, cannot, must not, direct or regulate our course. We have no right to say to those nations "it is not fit and proper for you to recognize the national existence and independence of this island." The principle

of universal emancipation, upon which they have proclaimed their Republics to be based, forbid them the right to distinguish the sable inhabitants of St. Domingo from the less dark republicans of their own clime.

We have a more full and explicit exposé of the objects of this Congress, given officially by the Government of Colombia to the world. I will read them to the committee:

1. To form a solemn compact, or league, by which the States whose Representatives are present, will be bound to unite in prosecuting the war against their common enemy, Old Spain, or against any other power which shall assist Spain in her hostile designs, or any otherwise assume the attitude of an enemy.

2. To draw up and publish a manifesto, setting forth to the world the justice of their cause, and the relations they desire to hold with other Christian powers.

3. To form a convention of navigation and commerce, applicable to both the confederated States, and to their allies.

4. To consider the expediency of combining the forces of the Republics to free the islands of Puerto Rico and Cuba from the yoke of Spain, and, in such case, what contingent each ought to contribute for this end.

5. To take measures for joining in a prosecution of the war at sea, and on the coast of Spain.

6. To determine whether those measures shall also be extended to the Canary and Philippine Islands.

7. To take into consideration the means of making effectual the declaration of the President of the United States, respecting any ulterior designs of any foreign power to colonize any portion of this continent; and also the means of resisting all interference from abroad with the domestic concerns of the American Governments.

8. To settle, by common consent, the principles of those rights of nations, which are, in their nature, controvertible.

10. To determine on what footing shall be placed, the political and commercial relations of those portions of our hemisphere, which have obtained, or shall obtain, their independence, but whose independence has not been recognized by any American or European power, as was, for many years, the case with Hayti.

A word or two upon this principle of colonization—this "intercontinental law, in relations of Europe and America." This is a subject, admitted by the President himself, as being proper to be discussed and settled there. What is it? We will not permit any European colony to be established upon any part of the American continent. I will not stop to examine the correctness of this principle in the abstract, or in connection with the claims asserted by certain European powers to portions of this continent. I will only consider it in that light in which the President has presented it to us. In his Message, he remarks, "Should it be deemed advisable to contract any conventional engagement on this topic, our views would extend no further than a mutual pledge of the parties to the compact to

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maintain the principle in application to its own territory, and to permit no colonial lodgements or establishments of European jurisdiction upon its own soil."

Can this be necessary? Why should we be called upon to stipulate by treaty that we will not suffer our own soil to be invaded; to be occupied by a European power; to be colonized? We need no paper stipulations upon such a subject. We have a stronger guarantee than all the parchment the South can give us: it is that devotion to liberty and self-government which is felt and seen by our citizens. For the honor and character of my country, I would not enter into such a stipulation with any power.

Mr. Wood, of New York, next rose, and said:

Mr. Chairman: I think that those gentlemen who, some time past, have been so apprehensive of the power of the President, as to have had their slumbers disturbed, will, hereafter, repose in peace: as he is in a fair way of being stripped of his powers.

What is the resolution now before us, but instructions, or semi-instructions, for our Ministers that are to go to the Congress of Panama? If the House of Representatives have a right to instruct, certainly the Senate, who share with the President in the treaty-making power, have as good a right; and no one will deny the right to the President. I beg to know how our Ministers are to conduct with three sets of instructions in their pockets. The House of Representatives instruct them to look on, and to inform their Government, from time to time, what is going on; the Senate instruct them to take their residence ten leagues from the Congress, and to have no communication with them but by couriers; and the President instructs them to enter into any agreement beneficial to this country, that will not compromise its neutrality. The Ministers, under the President's instructions, make a treaty, in which the benevolent and grand idea of Henry the Fourth of France is realized, by the erection of a board of Ministers, who shall be the umpire of all differences which shall ever occur to disturb the peace of the several States of Spanish America and the United States, so as forever to prevent the existence of war between them; that inhibits privateering in case of war between the parties; that restricts the list of contraband to munitions of war; that restricts blockades to places invested by a competent force; and regulates the exercise of the right of search, so as to render it as harmless as possible.

The Ministers return with the treaty, the most beneficial for the country and humanity that was ever formed. They have, however, acted contrary to the instructions of the House of Representatives. If the House have a right to instruct, they have a right to impeach the Ministers for disobedience to their instructions. They, therefore, institute an impeachment. Now, sir, I beg to know on what ground the Senate are to sustain the impeachment? I

shall leave it to the gentlemen who propose or advocate these Congressional instructions, to explain how the subject may be relieved from embarrassment.

I have given this view of the subject to show that an attempt to instruct our Ministers is an interference with the powers and duties of the Executive. By the second section of the second article of the constitution, the President has "power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." The constitution has not conferred upon the House of Representatives any participation in the treaty-making power. This subject was examined and settled in the Congress of 1796. The House of Representatives was dissatisfied with the treaty formed with Great Britain, and requested the President to furnish them with a copy of the instructions of the Minister who negotiated it. General Washington, in assigning his reasons for refusing to comply with the request, states, that, "having been a member of the General Convention, and knowing the principles on which the constitution was formed, I have ever entertained but one opinion on this subject; and, from the first establishment of the Government to this moment, my conduct has exemplified that opinion: that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur; and that every treaty, so made and promulgated, thenceforward became the law of the land. It is thus that the treaty-making power has been understood by foreign nations; and, in all the treaties made with them, we have declared, and they have believed, that, when ratified by the President, with the advice and consent of the Senate, they became obligatory. In this construction of the constitution, every House of Representatives has heretofore acquiesced, and, until the present time, not a doubt or suspicion has appeared, to my knowledge, that this construction was not the true one. Nay, they have more than acquiesced; for, till now, without controverting the obligation of such treaties, they have made all the requisite provisions for carrying them into effect." And, in conclusion, he adds: "As, therefore, it is perfectly clear to my understanding, that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits within itself all the objects requiring legislative provision; and, on these, the papers called for can throw no light; and, as it is essential to the due administration of the Government that the boundaries fixed by the constitution, between the different departments, should be preserved, a just regard to the constitution, and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request."

After this, the House of Representatives expressed their sense on this subject by two

resolutions, the first of which is in the following terms :

"Resolved, That it being declared, by the second section of the second article of the constitution, 'That the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur,' the House of Representatives *do not claim any agency in making treaties*; but that, when a treaty stipulates regulations on any of the subjects submitted by the constitution to the power of Congress, it must depend for its execution, as to such stipulations, on a law or laws to be passed by Congress; and it is the constitutional right and duty of the House of Representatives, in all such cases, to deliberate on the expediency or in expediency of carrying such treaty into effect, and to determine and act thereon, as, in their judgment, may be most conducive to the public good."

Thus, it is evident that I am fully sustained in my construction of the constitution, both by President Washington and the House of Representatives of 1796, after a full discussion of the subject.

The resolution before the committee ought not, therefore, to be coupled with conditions which we have no right to make, and which, if they were calculated to have any effect, it would be to assume the responsibility which the constitution has imposed upon the Executive. Instructions might, on the same principle, be annexed to the salary of every public officer. If it were necessary, I should have no objection, at a proper time, and disconnected with this appropriation, to express an opinion upon the subject of our foreign policy; and I have embodied an opinion, in the form of a resolution, to that effect, but this is not the proper time to make a proposition of that nature.

Mr. CARSON, of North Carolina, then addressed the committee, and said: It will be recollected, Mr. Chairman, that when this measure was introduced into the House by a communication from the Executive, the whole subject was referred to the Committee on Foreign Relations. That committee have had it under consideration; and the result of their labors is before us, in an elaborate and argumentative report. I am well aware that, when a committee of this House have had an important subject under their deliberation, and have presented to the House a report upon it, such report is entitled to great consideration, and ought to have its full weight with every member of this body. But, while I am perfectly aware of this, I also hold that such a report is not of binding force; and that every member is still left free to think and to act, as his views of duty may call him. Under these circumstances, I hope I shall have the pardon of the honorable committee for differing from them, as to the conclusions to which they have come—believing that the premises from which they are drawn have been wholly mistaken. To show this, is my chief design in addressing

the committee. I say, then, that the *grounds* on which some of the principal reasons which the committee have urged, to show the importance of carrying this mission into effect, have been *mistaken* by the committee themselves. Should I succeed in showing this, I shall consider myself as having done much: for the basis on which their conclusions rest having been torn away, the whole superstructure of their argument must necessarily fall to the ground.

We are told by the committee, "that it is important to be represented at Panama, for the purpose of discussing and negotiating matters of deep concern to this nation, as regards our *political and commercial* interests with the South American Republics; and that it will be more convenient to treat with all those powers collectively, and at the same time, than it will, considering their geographical disconnection, to negotiate treaties separately." In taking this position, the committee must assume the ground, that the Plenipotentiaries of these Republics will be *clothed with powers to negotiate those treaties*, which are to be of so much importance to our political and commercial concerns. Here, sir, is where we differ—and this is the point in which I insist the committee have mistaken the *ground* from which they argue. I maintain that, however desirable this object may be, and however important to our commercial interests, the Plenipotentiaries who are to meet our Ministers at Panama, *can negotiate no such treaties*: and for this plain reason, that such powers are not only not given, but are *expressly prohibited* to them; and this by the very article of the treaty which the committee have quoted in their report, as furnishing reasons in favor of the mission. The words of prohibition are the very words which *immediately follow* the words quoted by the committee, and are necessary to fill up the sentence. Yes, sir: it is an *extraordinary* fact, that the committee have cited just such words in the treaty, as will justify their reasoning in favor of the mission, and have left out the words which immediately follow, and which must overturn all their arguments. Hence I say, sir, that they are mistaken in their premises, (which they take from the words of the treaties,) and consequently mistaken in all their conclusions from those premises.

Not, sir, that I am disposed to charge that honorable committee with intentional error; that is as far from my purpose as perhaps it is unwarranted by the fact. Now, sir, to the words of the treaties, and to the quotations in the report: let us compare them.

In the report they say, "that it is an assembly of diplomatic agents, clothed with no powers, except to *discuss and negotiate*; deputed by Governments whose institutions require, that all engagements with foreign powers should be subject to the ratification of some organic body at home." And the more effectually to guard against mistake, even of the de-

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sign in which this Congress has been proposed, it is stipulated, in the several treaties formed by Colombia with the other new Republics, that the meeting at Panama (now, sir, here follow the words as quoted from the treaties just mentioned) "*shall not affect in any manner the exercise of the national sovereignty, in regard to their laws, and the establishment and form of their respective Governments.*" And here the committee stop short. But what follows, in the treaty? This, sir: "NOR SHALL DO NOTHING, AS REGARDS OUR RELATIONS WITH ANY OTHER FOREIGN NATION."

Now, sir, if those Plenipotentiaries can "do nothing as regards their foreign relations," how is it possible that our Plenipotentiaries can "discuss and negotiate treaties with them, in regard to our political and commercial interests?" Sir, they cannot; and however desirable and important it may be to us, to establish a commercial intercourse with those Republics, and however ample and full the powers with which our Ministers may be clothed, to effect this object, it will be impossible for them to effect it *there*, because the Plenipotentiaries on the part of those Republics, are *expressly prohibited*, by all the treaties between those Republics, (all, at least, which have been laid before us,) from doing any thing, as regards their relations with foreign nations. Then, sir, if this object cannot be effected, (which appears to have been the most important consideration with the committee in recommending the mission,) why send Ministers to Panama?

I repeat it again, Mr. Chairman, there is nothing more clear, nothing more obvious, than that those Plenipotentiaries can enter into no negotiation on behalf of their different Governments, as regards their relations with foreign nations. How, then, is the object, thought of so much consequence by the committee, to be accomplished? How are we to make treaties with Plenipotentiaries who are forbidden to make any?

To prove, sir, that this object cannot be effected at the Congress of Panama, permit me to read the article of the treaty between Colombia and Chili, which is precisely the same as in all the other treaties before us, and the very article, too, quoted by the committee, (not *in extenso*, sir, but just so far as to leave justifiable ground for their conclusion from the part cited.) It reads as follows: Article 64. "This compact of union, league, and confederation, shall in no wise interrupt the exercise of the national sovereignty of each of the contracting parties, as well as to what regards their laws, and the establishment and form of their respective Governments, *as to what regards their relations with other foreign nations.*" These latter are the words omitted by the committee, and the words which defeat the object of negotiating a treaty with those powers, as regards our political and commercial concerns; for each of these powers has reserved the right to establish

such relations with foreign nations, as may best suit its *individual* interest.

Seeing, then, that this object cannot be attained at Panama, the question arises: What objects are to be attained by sending Ministers to that Congress? None, sir; in my opinion, none; none, at least, that will be beneficial to the interests of the United States. On the contrary, *much* may be done to injure, if not to ruin, our political prospects.

Besides, let me ask, should we send our Ministers to this Congress, in what capacity and with what powers are they to attend the deliberations that may be held? Surely, sir, they must enter it clothed with the same powers which the Plenipotentiaries on the part of the other States are clothed with. It is idle to tell me that the Representatives of different nations would meet there clothed with different powers and for different purposes; if so, what could they effect? No, sir: they meet there from their respective nations, just as we meet here from our respective districts; all equal, and upon the same footing.

And where are we to look for the powers they are to possess? Why, sir, I would have said, to the treaties between those States; but I am here met at the threshold by the gentleman from New York, (Mr. Wood,) who tells us that the powers of these Plenipotentiaries are not derived from those treaties, but from their own instructions, with which we are not acquainted. But, sir, if their powers are not to be found in these treaties, then am I thrown upon the wide world for conjecture. But, sir, I shall, with great deference for that gentleman, assume the contrary ground, and say that they have no powers, except those only which are given them by these treaties; for it is clearly correct to say, that the power which creates, gives to the creature whatever power it possesses. This admitted, I ask where is the power which created this Congress, and established the rules by which these Plenipotentiaries are to act and to be governed? These treaties are the power. The Congress has no other creator. And here let me invite the attention of the committee to the 12th, 18th, and 14th articles of the treaty between Colombia and Chili, where the first mention of this assembly is to be seen; (and there are correspondent articles in all the other treaties before us.)

Article 12. "To draw more closely the bonds which ought, in future, to unite both States, and to remove any difficulty which may present itself, or interrupt, in any manner, their good correspondence and harmony, *an Assembly* (here, sir, is the origin) shall be formed, composed of two Plenipotentiaries for each party, in the same terms and with the same formalities, which, in conformity to established usages, ought to be observed for the appointment of the Ministers of equal class near the Governments of foreign nations."

Article 18. "Both parties *oblige* themselves



to interpose their *good offices* with the Governments of the other States of America, formerly Spanish, to enter into this *compact of union, league, and confederation*."

Yes, sir, and they have not confined themselves to the Spanish American States only: but are "interposing their good offices," "to induce us to enter into this compact of union, league, and confederation."

And what is to be done by the Ministers at this meeting? We find the answer in the next article:

Article 14. "As soon as the great object has been attained, a General Assembly of the American States shall be convened, composed of their Plenipotentiaries, *with the charge of cementing, in the most solid manner*, the intimate relations which ought to exist between every one of them; and who may serve as a *council in the great conflicts*, as a *rallying point in the common dangers*, as a faithful interpreter of their public treaties when difficulties occur, and as an umpire and conciliator in their disputes and differences."

This, sir, is what the Plenipotentiaries will have to do when they meet at Panama; for these treaties are their charter—the constitution which is to govern their acts, as our Federal constitution governs ours. So that, if we send our Ministers there, *they too must be "charged with cementing, in the most solid and stable manner, those intimate relations which are to exist between them."* We, too, sir, must assist in forging out those "bonds which are to bind them together in this compact of union, league, and confederation;" and, if we assist in forging out these bonds, we must become one incorporate, and bound by them: (unless, indeed, we send our Plenipotentiaries there, only to shake hands with the Plenipotentiaries of these nations, and to say to them, We wish you well—good bye; and this, he suspected, would be nearly the amount of what we should be able to accomplish so far as respects our commercial interests.) But, if we are to be bound by these ties, what shall we have done? We shall have entered into an alliance—"an entangling alliance." And should Old Spain ever attempt to reconquer her colonies, or should any other power attempt to sever their union, then shall we be bound to step forward and defend them; and, in the memorable language of Cæsar, when he entered the conspiracy against Cæsar, the United States must "set her foot as far as who goes farthest."

But we are told by the President that we are to send our Ministers there to advise and consult. I am not, said Mr. C., sufficiently acquainted with the law of nations to hazard an opinion upon this point; but it does appear to me, sir, that it would be cause of just complaint on the part of Spain, and that she might consider it a violation of the treaty of peace and amity which now exist between us and that power; for it is a principle of municipal law, and will, I presume, apply equally to the law

of nations, that the adviser of a crime is equally guilty with the perpetrator. If A advises B to take the life of C, and, in accordance with this advice, B commits the murder, then is A an accessory before the fact, and, in law, equally guilty with B. But, as regards nations, there are no accessories, all are principals; and it does appear to me, that, should we send Ministers to Panama, to advise and consult with those belligerent Republics, how to maintain their independence against Spain, that, by that very act, we become co-belligerents, and must, and may, justly, be considered by Spain as her enemy. To bring this home to the members of this House, permit me to put a case, hypothetically. Suppose this country was at war with England, and she, in order the better to arrange some plan by which she could effect our overthrow, proposed to the crowned heads of Europe to send Plenipotentiaries to meet at some particular point, designated by her, for the purpose of consulting and advising with her how to accomplish that object. And suppose that, in accordance with this invitation, those powers with whom we have the most friendly intercourse, and between whom and us there exist treaties of peace, amity, and commerce, should accept the invitation, and send their Ministers for that purpose—I appeal to every gentleman on this floor, if he would not view this, on the part of those powers, as a violation of those friendly relations which exist between us. Can they deny that they would? And if so, is not this case strictly in point? But, sir, on this part of the argument, I submit my remarks with diffidence, for the reason I before assigned.

Mr. RIVES, of Virginia, then moved to amend Mr. McLANE's amendment, by inserting the following after the words "aforesaid Governments," where those words occur:

"Or any compact or engagement by which the United States shall be *pledged* to the Spanish American States to maintain, by force, the principle that no part of the American continents is henceforward subject to colonization by any European power."

Mr. R. expressed an intention to address the committee in support of this amendment, but, in the meanwhile, moved that the committee rise.

The motion prevailed—ayes 94—and then the committee rose.

The House adjourned.

THURSDAY, April 6.  
Mission to Panama.

The House went into Committee of the Whole on the state of the Union, Mr. STEVENSON, of Va., in the chair, on the report of the Committee of Foreign Relations, on the Message of the President of the United States, in relation to the Mission to Panama.

Mr. RIVES, who had a right to the floor, (having moved last evening for the rising of the committee,) being unexpectedly absent from

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the House, Mr. Brent addressed the committee as follows:

Mr. Chairman: There is *one subject* to be discussed at the Congress at Panama, in which I feel a deep interest, as being one of the Representatives of a Southern State. I allude to the condition of the islands of Cuba and Porto Rico. If the amendment now before the committee should be adopted, our Ministers will be prevented from taking any part, or making any remonstrance upon *that subject*, and for this reason, if for none other, I am opposed to that amendment. Sir, the condition of the Island of Cuba, in the neighborhood of the State of Louisiana, one of whose Representatives I am, excites my most lively anxieties. To the destiny of Cuba we are not indifferent. Our sympathies, our partiality for free and independent Governments, make us not indifferent to the condition of our fellow-men, the subjects of monarchy; under any other circumstances, and differently situated, we would hail with pleasure the independence of Cuba; but for reasons, Mr. Chairman, which you, as a Southern man, *feel*, and the nation know, I should look upon that event, as connected with our interests and with humanity, as one of the greatest evils which, in the existing state of things, could befall the Southern States, and particularly the State of Louisiana. I need not refer to the population of Cuba to justify my fears. Sir, do you believe that if the Republics of the South were to unite to aid Cuba in her independence, that its liberty would be achieved, in peace and good feeling between all, and without scenes of ruin, horror, and desolation, too painful to be portrayed? Would not the signal for its independence be the watchword for *another object*? And how could it be restrained? Where would be the armed force to stop the bloody torrent?

But, let us for a moment suppose, that the independence of Cuba could be effected without an attempt of a certain part of its population to attain the ascendancy—is it not reasonable for us to suppose that part of its population, as in the other South American Republics, would all be declared free; and, if so, with the black population of Mexico on the frontier of Louisiana, and Hayti and Cuba for neighbors, what would be the condition of the Southern planters? Sir, the very thought of the consequences flowing from such a state of things, excite feelings too heart-rending to be dwelt upon for one moment. I must turn from them. To prevent such a state of things, and to remonstrate with the South American Republics against their lending their aid to produce an event so filled with evil to the Southern States, and so shocking to humanity, the President of the United States has told us in his Message that, “the condition of the islands of Cuba and Porto Rico is of deeper import and more immediate bearing upon the present interests and future prospects of our Union. The correspondence herewith transmitted, will show how

earnestly it has engaged the attention of this Government. The invasion of both those islands, by the united forces of Mexico and Colombia, is avowedly among the objects to be matured by the belligerent States at Panama. The convulsions to which, from the peculiar composition of their population, they would be liable in the event of such an invasion, and the danger therefrom resulting of their falling ultimately into the hands of some European power other than Spain, will not admit of our looking at the consequences to which the Congress at Panama may lead, with indifference. It is unnecessary to enlarge upon this topic, or to say more than that all our efforts in reference to this interest, will be to preserve the existing state of things: the tranquillity of the islands, and the peace and security of their inhabitants.” And if the present amendment be adopted, this very subject, so interesting to the South, will be excluded from the instructions of our Ministers. How can it be expected that, situated as I am, and representing the interests I do, I would advocate an amendment calculated to do so great an evil to my constituents? No, never. Were I to do it, I would be unworthy of the station I now fill.

I have been astonished, Mr. Chairman, at the course of some gentlemen from the South, in the other branch of Congress, (for I suppose I can refer to their speeches as matter of history,) in opposing this mission. Sir, not a voice from the South ought to be raised against it. It is suicide to do it. Is it not extraordinary that Louisiana alone, of all the Southern States, except Maryland, in the vote given in the other branch of this Legislature, should have been in favor of this mission? Is it possible that Southern men so far forget the vital interests they represent, as to overlook them for other objects? Can an opposition to the present Administration be so prejudiced as not to see that this measure, recommended by the President, is for the protection of our Southern interests? No, it is impossible that they can overlook it, if they divest themselves of all prejudices, and calmly look at the attitude of affairs.

To contradict the assertions which have gone abroad in the public prints and otherwise, and have been repeated in this Hall, that, as regards Cuba, the Administration is friendly to the views of the South American Republics, and that this mission will lead to this Government's lending their aid in that way, to do an injury to the Southern interests, I must call the attention of the committee to the President's Message, in which he discloses his views upon the subject, and clearly refutes the motives attempted to be attributed to him, and conclusively shows that the object of the Administration is to prevent, if possible, a change in the condition of Cuba, in any manner whatsoever, and thereby to protect our interests, instead of destroying them. His words are, and I have referred to them before: “The convul-

sions to which, from the peculiar composition of their population, [alluding to Cuba and Porto Rico,] they would be liable in the event of such an invasion, and the danger therefrom resulting of their falling ultimately into the hands of some European power, other than Spain, will not admit of our looking at the consequences to which the Congress at Panama may lead, with indifference. It is unnecessary to enlarge upon this topic; or to say more than that all our efforts in reference to this interest, [meaning the Southern,] will be to preserve the existing state of things, the tranquillity of the islands, and the peace and security of their inhabitants."

After this fair, manly exposition of the views of the Administration, how can gentlemen misconstrue the real motives which govern in this case? I much fear, Mr. Chairman, that the impolitic opposition made to this mission, has before this sealed the fate of Cuba. It has been delayed by the very interest which ought to have hastened it. Two months sooner and the firm remonstrance of our Government against any interference of the Republics, in the affairs of Cuba, might have produced all the beneficial effects we could hope for. If the reports we have lately received from Campeachy be true, of a large force having assembled to make an attack on Cuba, under the direction of the Republics of Mexico and Colombia, I fear the patriotic exertions of the President to stay the blow, will be too late. If so, what will or can the opposers of this wise and salutary measure say, to justify themselves to the American people? Sir, gentlemen may declaim and fret, and the opposition may resort to what schemes and intrigues they please, the people of the United States will respond to the wishes of the Administration upon this subject, and overwhelm its opposers with shame and confusion. Sir, the people are not to be driven; they will follow their own judgments, formed from sober reflection, and the best considerations, for their country's good. They may, for a time, be hurried away by the enthusiasm of their character, but they soon return to their better judgments; and whenever a measure, like the present, is calculated to promote their interests, to protect the principles of liberty, upon which their happy Government is founded, and to ameliorate the condition of their fellow-men throughout the world, they will always approve of it; and he who undertakes to deceive them, deceives himself.

Mr. Rives said he was admonished, by every consideration of a personal nature, to abstain from any participation in the present discussion. No one could be more sensible than himself how little ability he possessed, at any time, to assist the deliberations of this House, and that ability, small as it was at all times, was now materially lessened by the effects of long-continued infirmity. Nevertheless, he was urged, by an impulse which he could not resist, to say something upon the present occasion. The motives of public men, for the part they shall

act in reference to this subject, have been, and will be, drawn into question. While, on the one hand, servility and subservience may be attributed to those who shall support the measure, (he was not aware that such an imputation had been made, and he was, certainly, very far from making it himself,) on the other hand, we know that those who cannot bring their minds to approve it, in all the latitude of its various objects, have been accused of being actuated by a spirit of factious opposition to the present Administration. This consideration naturally made one desirous of placing his opinions, and the grounds of them, before the world, that they might speak for themselves, and that it might be seen that they have, at least, a sufficient foundation, in reason, to exempt them from the suspicion of originating in personal and unworthy motives. But this is not all. The subject itself is one of the deepest interest. No question has arisen, in my opinion, said Mr. R., since we assumed our equal rank among the nations of the earth, not excepting the late declaration of war against Great Britain, fearful and momentous as that was, which involves more important consequences to the peace, happiness, and free political institutions of this country. The measure proposed is an acknowledged departure from the uniform and settled policy pursued by this Government in times past—a policy, in the observance of which, we have reaped the most abundant fruits of prosperity and honor. It seeks to introduce a new system in the conduct and adjustment of our foreign relations. While we profess to cultivate "peace, commerce, and honest friendship," with all nations, this system proposes to connect us, by ties of a more intimate and fraternal character, with the nations of one-half of the globe, by which we are to be segregated from, and, in a manner, arrayed against, those of the other half; by which we are to make common cause with the former, in the defence of their new-born, and yet precarious independence; and, in short, to identify our interests, and unite our destinies, with theirs.

If this be the true character of the measure now under consideration, and, in my conscience, I most solemnly believe that it is, it becomes us to weigh it well before we give it the irrevocable sanction of our votes in this Hall. That we have the right thus freely to deliberate upon it, has not yet been openly questioned, in the progress of this discussion; but the idea has been suggested, in conversation, that, as the constitution has confided to the President and Senate the power of making appointments, and as Ministers to Panama have been appointed by them, we have no longer any discretion upon the subject, but are bound to make the appropriations necessary for defraying the expenses of the mission. Such, sir, is not the doctrine of the President himself, who has shown no disposition to concede, with too much facility, powers to other departments of the Government, in derogation of his own. In his

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Message, both to this House and the Senate, he submits the subject to the "free determination" of the Legislature. Neither was this the doctrine of this House, in '96, when these seats were filled with some of the wisest men who have adorned any portion of our annals. On that occasion, the House of Representatives, in a much more doubtful case—in the case of a treaty which had been duly ratified—affirmed their right, in the freest and fullest manner, to grant or withhold an appropriation of money, or any other act necessary to carry the treaty into effect. A treaty is a mutual and solemn contract, between two parties; and, when it has been consummated, with all the forms prescribed by the constitution, there is plausibility, at least, in contending that it binds the faith of the nation, and is obligatory upon all the authorities of the Government. But the appointment of Ministers is an act confined to one party only, inferring no obligation to any other; and there can be no ground for saying that the faith of the nation is pledged by it. But, sir, why need I dwell upon this objection? Have we been engaged in a solemn farce for the last two months? Wherefore have we repeated call after call upon the Executive, for information, and received from the Executive communication after communication, in relation to this subject, if not to enable us to decide whether we would or would not grant the appropriation which has been asked of us? Did it need all this preparation to qualify us for an act which we were bound, in any event, to perform? Was it proper, on the one part, to ask, or, on the other, to give, so much light, if we were compelled, blindly and implicitly, to sanction the measure proposed?

In deciding the question submitted to us, then, we must dismiss all extraneous considerations, and look exclusively to the intrinsic merits of the measure itself, or, in other words, to the character of the objects proposed to be accomplished by it. So many and such various objects have been suggested, as the motives of this extraordinary measure, that the mind is bewildered and lost in confusion, amid their multiplicity; and it is exceedingly difficult to fix the attention long enough upon any one of them, to estimate its precise bearing on the general proposition. But, in reviewing them again and again, my attention has been forcibly arrested by two, of a character so portentous to the peace and happiness of the country, that, were all the rest not only innocent and safe, but in the highest degree useful and important, I could not lend my concurrence to the measure, while they continued to be embraced within its scope. The two objects alluded to, are resistance to the interference of any third power in the quarrel between Spain and her late colonies, and opposition to all future colonization on either continent of America. So general seems to be the impression of the danger and inexpediency of committing ourselves, in relation to these topics, that

the consideration of the propriety of the mission to Panama, with a large majority of persons, has assumed the shape of an inquiry whether we are likely to be so committed—not whether we ought to be. Some of the friends of the mission earnestly deny that there is any reason to apprehend that we shall be committed upon these topics, by any thing proposed to be done at Panama, while others, who have more carefully explored the evidence, observe a discreet silence upon the subject. Although these topics evidently constituted the original inducement, the *primum mobile* of the invitation given us to attend the Congress at Panama, yet, in the elaborate report of the Committee of Foreign Relations, there is not the slightest allusion to them. In the Message of the President, although alluded to, they are overlaid and smothered by other matter; and there is a manifest *shyness* in approaching them, on this floor.

How it has happened that these objects, which originally stood in the front of the picture, have been thus shifted to the background, where they are almost lost in the obscurity of the distance, it is not for me to explain; but, believing that they are all-important in giving its true character and expression to the *piece*, I shall bring them forward, in full relief, to their proper position upon the canvas. I shall undertake to prove, from an examination of the documents in our possession, that, if Ministers are sent to the Congress at Panama, our Government is committed to take part in its deliberations, relating to *these objects*—that they are the principal, if not the only objects, in which our participation was sought, by the States who invited our attendance—and that the result of our participation in them will most probably be the adoption of measures endangering the future peace of the country. In the prosecution of this plan, it will be beside my purpose to inquire how far a Congress, which has the power to "fix" and "determine" the respective military and naval contingents, or their equivalents, which are to be furnished by parties engaged in a common war, which has, too, the farther power of "interpreting the treaties" that may be made, and of "arbitrating the differences" that may arise among those parties, can be justly denominated a *diplomatic meeting*, or a *consultative body*, merely. Whether the Congress be sovereign or consultative, legislative or diplomatic, still the objects I have indicated are to be acted upon by it, and in a manner exposing the peace of the nation to the most serious hazards. Nor shall I inquire how far it is consistent with our professions of neutrality, in the existing war between Spain and her late colonies, to take part in the proceedings of a Congress, which has evidently grown out of the exigencies of that war, and the avowed and leading object of which is to combine the resources, and to unite the efforts of the belligerents on one side, in a more vigorous prosecution of it—a Congress, too, whose occasional secret sittings, as they

would afford a convenient cover for our participation in its hostile deliberations, might well excite suspicions as to the good faith with which we observed our declaration, not to share in its counsels of that character. I shall also forbear to consider any of the various objects, other than those I have already referred to, which have been suggested as proper for our joint consultations, in the Congress of Panama. All those objects, in my opinion, have been shown to be useless, impertinent, mischievous, impracticable, or attainable, with equal advantage, in the usual mode of diplomatic negotiation. It will be sufficient for my purpose, if I establish the propositions I have undertaken to maintain, in relation to the two *prominent objects* (so far as we are concerned) of the Congress at Panama, found in the means of *resisting* the interference of any third power, in the war between Spain and the Southern Republics, and the mode of opposing colonization on either continent of America.

My first proposition is, that, if we send Ministers to the Congress of Panama, our Government stands *committed* to take part in its deliberations relating to these objects. Now, sir, to determine this point, let us refer to the terms of the invitation, addressed to us, and the terms of its acceptance. It will be recollected by the committee, that the Ministers of Mexico and Colombia, justly doubting how far it would consist with the policy heretofore pursued by our Government, to accept an invitation to the Congress at Panama, previously consulted the Secretary of State, to know whether "it would be agreeable or not to the United States to receive such an invitation." The delicacy which marked the conduct of these Ministers is highly honorable to them. Their object was to leave us *unembarrassed* by the consideration of the wishes or feelings of their Governments, and in a condition of perfect freedom, to decide according to *our own views of our own interests*. The Secretary of State informed them that the President believed that the proposed Congress might be highly useful in several respects, but thought it expedient to adjust beforehand certain preliminary points, such as "*the subjects to which the attention of the Congress was to be directed*," and some other matters of a similar character; and added, that, if these points could be arranged in a manner satisfactory to the United States, the President would be disposed to accept the proffered invitations. For the purpose of satisfying this requisition, more particularly as it regarded the subjects of deliberation in the proposed Congress, the Mexican and Colombian Ministers addressed to Mr. Clay their respective letters of the 2d and 8d of November. What, sir, does the Mexican Minister say? The following extract from his letter will show: "The Government of the subscriber never supposed nor desired, that the United States of America would take part in the Congress about to be held, in other matters than those which, from their nature and im-

portance, the late Administration pointed out and characterized as being of *general interest to the Continent*: for which reason, one of the subjects which will occupy the attention of the Congress, will be the *resistance* or opposition to the interference of any neutral nation, in the question and war of independence, between the new powers of the Continent and Spain. The Government of the undersigned apprehends, that, as the powers of America *are of accord as to resistance*, it behoves them to discuss the means of giving to that resistance all possible force, that the evil may be met, if it cannot be avoided; and the only means of accomplishing this object is, by a previous concert as to the mode in which each of them shall lend its co-operation: for, otherwise, resistance would operate but partially, and in a manner much less certain and effective. The opposition to colonization in America, by the European powers, will be another of the questions which may be discussed, and which is in like predicament with the foregoing. After these two *principal subjects*, the Representatives of the United States of America may be occupied upon others, to which the existence of the new States may give rise; and which it is not easy to point out or enumerate; for which the Government of the United States of Mexico will give instructions, and ample powers to its commissioners, and it trusts that those from the other powers may bear the same." And again: "To which end, and in compliance with the tenor of the conversations held with the honorable Secretary of State, the underwritten Minister Plenipotentiary invites this Government to send Representatives to the Congress of Panama, with authorities as aforesaid, and with express instructions in their credentials upon the *two principal questions*; in which step he is likewise joined by the Minister of Colombia, and with which he trusts he has fulfilled all that was stipulated to this end." Now, sir, let us see the language of Mr. Clay's answer. He says, "The President has therefore resolved, should the Senate of the United States, now expected to assemble in a few days, give their advice and consent, to send commissioners to the Congress of Panama. Whilst they will not be authorized to enter upon any deliberations, or to concur in any acts, inconsistent with the *present* neutral position of the United States, and its obligations, they will be fully empowered and instructed upon all questions likely to arise in the Congress on *subjects in which the nations of America have a common interest*."

My next proposition is, that these subjects, however, or for whatever reason they may have been kept out of sight recently, are the *principal*, if not the only subjects in which our participation was desired by the States who invited our attendance at the Congress of Panama. In the extract I have already read to the committee, from the letter of the Mexican Minister, he expressly styles them the

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"two principal subjects" for consultation with the United States; and indeed they are the *only* subjects specified by him. It is true that the Colombian Minister suggests, in a loose and general way, some other subjects, which might engage the attention of the United States in the Congress of Panama. But he dwells on these two with particular and emphatic earnestness, as "points of great interest," and "of immediate utility to the American States that are at war with Spain," and strongly appeals to the co-operation of this Government in relation to them.

I will now proceed to show that there is every reason to believe, from what has already passed between our Government and the Spanish American States, that the result of our participation in these subjects at the Congress of Panama, will be the adoption of measures endangering the future peace of the country. Sir, the *principle* of resistance by force is already agreed upon. Nothing remains but to adjust the *details* connected with its execution, and to consummate the *understanding* which has already taken place by entering into a *formal compact*. In the very pregnant extract from the letter of the Mexican Minister, to which I have already had occasion twice to refer, he says, "as the powers of America are of *accord as to resistance*," it behooves them "to discuss the means of giving to that *resistance* all possible *force*," and to determine by a "previous concert, in what mode each party is to lend its co-operation;" and we are invited to the Congress at Panama for the purpose of entering upon this "discussion," and arranging the terms of this "concert," or system of "co-operation." Now let us see what the Colombian Minister says: "The manner in which all colonization of European powers on the American Continent shall be *resisted*, and their interference in the present contest between Spain and her former colonies prevented, are other points of *great interest*. Were it proper, an eventual alliance, in case these events should occur, which is within the range of possibilities, and the treaty, of which no use should be made until the *casus federis* should happen, to remain secret; or, if this should seem premature, a convention so anticipated would be different means to secure the same end of preventing foreign influence. This is a matter of *immediate utility* to the American States that are at war with Spain, and is *in accordance with the repeated declarations and protests of the Cabinet at Washington*. The conferences held on this subject being confidential, would increase mutual friendship, and promote the respective interests of the parties." The Secretary of State, in his answer to these letters, does not express any *dissent* from the propositions or statements contained in them; from which I will not argue, although I might do so with *great plausibility*, that he is to be considered as *assenting* to the particular *measure of policy* suggested in the extract last read. But

this I do contend for: that, so far as those letters undertake to state *matters of fact*, the omission of the Secretary to qualify or deny, is a full *admission* of them. It is a rule of familiar application, in the investigation of evidence, in private controversies, that whatever is affirmed by one party, in the presence of the other, and not denied, is considered as admitted by the latter, and has all the effect of a *positive confession* against him. Now, what is this case? The Mexican Minister says, in his letter to Mr. Clay, "The powers of America," (including the United States, of course,) "are of *accord as to resistance*." The Colombian Minister, after suggesting a particular measure, to secure the joint efforts of the parties in this *resistance*, says: "This is in *accordance with the repeated declarations and protests of the Cabinet at Washington*." Mr. Clay does not gainsay either of these assertions, and does, therefore, in effect, admit them to be true.

But, sir, we have direct and positive evidence upon this subject, under the hand of the Secretary himself. In our diplomatic intercourse with the Spanish American States, he has *treated and held out* to them certain vague and oracular expressions, in a Message of the late President, as a *pledge*, on the part of the United States, not to *permit* any interference of the European powers in the war between them and the mother country. When, during the last summer, a French fleet appeared in the West Indies, with the supposed design of taking possession of the islands of Cuba and Porto Rico, and an appeal was made to us by those States to interpose in their behalf, Mr. Clay recurred to this "*memorable pledge*," as he expressly calls it, and in fulfilment and practical recognition of it as a *pledge in fact*, he wrote to Mr. Brown, our Minister to France, instructing him to say to that Government, that we "could not *consent* to the occupation of those islands by any European power other than Spain, under any contingency whatever." He afterwards communicated a copy of this letter to Mr. Poinsett, our Minister to Mexico, and *authorized him to read it to the functionaries of that Government as an interpretation of our policy* towards the States of Spanish America, and "*what we were prepared to do*" in their behalf. If this proceeding does not *commit* the Executive of the United States, (so far as they have power to decide the question,) to the point of *resistance*, upon the happening of a certain event, I am utterly at a loss to conceive what could have such an effect.

We have heretofore seen that our Minister to Mexico, acting under the authority of, and in presumed obedience to, the Secretary of State, had stated to that Government "that the United States had *pledged* themselves not to permit any third power to interfere either with the independence or form of Government of the new States." But we are now told by the Secretary, that the "United States have made no such pledge;" or, as he explains himself, have

"contracted no engagement" to that effect. Sir, I never supposed that any *treaty* had been entered into with these States, by which we were bound to maintain their independence; and this is all that the assertion of the Secretary of State amounts to. It does not contradict the idea that *official declarations* have been made, and *formal assurances of support* given to these Governments in the name of the United States. Sir, it is impossible for any man to examine the documents before us with an impartial eye, and disguise from himself the fact, that it is a thing *perfectly understood and agreed* between the diplomatic functionaries of this and the Spanish American Governments, that all America is to make a *common cause* in maintaining, by force, the doctrines of a new public code, which Mr. Clay (feeling that new things require new names) calls "intercontinental," not international, "law;" and the purpose for which we are summoned to the Congress of Panama, is, to carry this understanding into effect, by entering into formal conventional stipulations upon the subject. Now, sir, let us inquire what will probably be the nature and effect of these stipulations, as regards the United States. We have seen that one of the Spanish American Ministers has suggested an "eventual alliance, to be kept secret until the *casus fœderis* occurs," as proper to be adopted. Another, without pointing out any particular form of agreement, insists, in general, upon the propriety of adopting some "previous concert," or plan of "co-operation." Let us now see what are the views of our own Government upon this subject; and, for that purpose, I beg leave to read to the committee the following extract from the Message of the President to this House. He says: "The late President of the United States, in his Message to Congress of the 2d of December, 1823, while announcing the negotiation then pending with Russia, relating to the northwest coast of this continent, observed, that the occasion of the discussion to which that incident had given rise, had been taken for asserting as a principle, in which the rights and interests of the United States were involved, that the American continents, by the free and independent condition which they had assumed and maintained, were, thenceforward, not to be considered as subjects for future colonization, by any European power. The principle had first been assumed in the negotiation with Russia. It rested upon a course of reasoning equally simple and conclusive. With the exception of the existing European colonies, which it was in no wise intended to disturb, the two continents consisted of several sovereign and independent nations, whose territories covered their whole surface. By this, their independent condition, the United States enjoyed the right of commercial intercourse with every part of their possessions. To attempt the establishment of a colony in those possessions, would be to usurp, to the exclusion of others, a commercial inter-

course which was the common possession of all. It could not be done without encroaching upon existing rights of the United States. The Government of Russia has never disputed these positions, nor manifested the slightest dissatisfaction at their having been taken. Most of the new American Republics have declared their entire assent to them; and they now propose, among the subjects of consultation at Panama, to take into consideration the means of making effectual the assertion of that principle, as well as the means of resisting interference from abroad, with the domestic concerns of the American Governments. In alluding to these means, it would obviously be premature at this time to anticipate that which is offered merely as matter for consultation; or to pronounce upon those measures which have been or may be suggested. The purpose of this Government is, to concur in none which would import hostility to Europe, or justly excite resentment in any of her States. Should it be advisable to contract any conventional engagement on this topic, our views would extend no further than to a mutual pledge of the parties to the compact to maintain the principle in application to its own territory, and to permit no colonial lodgements or establishment of European jurisdiction upon its own soil; and, with respect to the obtrusive interference from abroad, if its future character may be inferred from that which has been, and perhaps still is exercised in more than one of the new States, a joint declaration of its character, and exposure of it to the world, may be probably all that the occasion would require. Whether the United States should or should not be parties to such a declaration, may justly form a part of the deliberation. That there is an evil to be remedied, needs little insight into the secret history of late years to know, and that this remedy may best be concerted at the Panama meeting, deserves at least the experiment of consideration."

Let us now see what he suggests, in reference to the subject of interference from abroad, with the affairs of Spanish America. "A joint declaration of its character, and exposure of it to the world, may be *probably* all that the occasion would require." The nature and effect of this proposition deserves to be profoundly considered. Should the United States concur in such a declaration, in what situation would the nation then stand? Would they not be committed to support it by force? A declaration of the sort proposed, is no *idle vaunt, no parade of words* merely. It is a solemn appeal to the world, upon the justice of the cause which the parties have espoused, and implies a firm determination to support it with all their energies. How would we, the war-making power of the Government, stand, in relation to the subject? We are apprised, beforehand, by the Executive, that such a declaration is among the objects of the mission to Panama, and with this knowledge, we give our *unqualified* sanc-

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tion to the mission. The proposed declaration goes forth to the world, and is not heeded by the powers on whom it is intended to operate. Under these circumstances, would the *honor of the nation* admit of any retreat for us? In short, sir, is not the declaration proposed a *conditional*, or, to use more diplomatic phraseology, a *provisional declaration of war*, to take effect whensoever a certain event shall occur? If so, I ask, is the mind of this nation *finally made up* to go to war for the independence of Spanish America? No gentleman, I presume, will say so. But even if it were, why should we proclaim this determination *beforehand*, in such a manner as to preclude ourselves from the benefit of full and free deliberation, in regard to every circumstance of *expediency*, as well as *justice*, which ought to influence our decision, when the occasion may arrive?

But, it may be said that there is no reason to apprehend the interference, which it is proposed thus to denounce to the world. If this be so, then I say the denunciation is a species of *bravado*, which it does not become the dignity of this nation to engage in. If otherwise, we should *pause*, before we assume upon ourselves the fearful responsibilities it may involve. It is true that Mr. Clay, in a communication lately made to this House, tells us, "that apprehensions of interference have ceased;" but, on the other hand, the President, in the portion of his Message which I have read to the committee, speaking of the same matter, says, "that there is an *evil* to be remedied, needs little insight into the secret history of late years to know; and that this *remedy* may best be concerted at the Panama meeting, deserves at least the experiment of consideration." The Minister of Colombia strongly corroborates this intimation of the President, and expresses a suspicion that a *covert* interference has already taken place. In a letter of the 30th of December last, addressed by him to Mr. Clay, he says: "Spain, in spite of her nullity, does not cease in her efforts to augment the army of America, so far as to induce us to suspect that a foreign hand *affords these aids*, which are by no means in harmony with the scantiness of the resources of the Peninsula." Now, sir, if we are to *commit* ourselves to go to war on behalf of the States of Spanish America, in the event of interference of a third power in the quarrel between them and Spain, the obligation will depend, I presume, upon the *fact*, and not upon the *form*, of interference. Whether that interference be by openly sending fleets and armies, to fight the battles of Spain, or by secretly furnishing the means with which those fleets and armies are procured and supported, the injury to our Southern friends will be the same, and the obligation upon us, to repel it, will consequently be the same.

But, sir, seeing the dangerous extent of the consequences involved in these measures suggested by the President, it may be said, he does not express a *positive* opinion that they ought

or will be adopted at the Congress of Panama. Sir, they are evidently brought forward as the result of previous deliberation, and seem to be offered as *substitutes* for the projects which had been presented by the Spanish American Ministers. They must, therefore, have been duly weighed; and, it is fair to presume, that the President would not have suggested them at all, if he had not been prepared, on his part, for their adoption, or at least thought them entitled to the most *favorable consideration*. That the President has made up his mind to concur in these, or other measures, of an equivalent character, is farther manifested by a subsequent part of his Message, in which he labors to show that the advice of General Washington, to "have, with foreign nations, as little political connection as possible," is *inapplicable* to our relations with the States of this hemisphere. Why should the President have made this *attempt*—(how he has succeeded in it, I hope hereafter to show)—unless his object was to form, with the nations alluded to, those "political connections," against which the advice of Washington was directed?

But a *quietus* is found for all our apprehensions, in the assurances of the President, that "no alliances will be contracted," and, in general, that "nothing will be done incompatible with our neutrality," or "importing hostility to Europe." Sir, many things may be done which would commit the future peace of this country, and yet not amount to an *alliance*, or a *violation of neutrality*, or an *act of hostility* to Europe. I have endeavored to show, and I hope I have shown, to the satisfaction of the committee, that the measures suggested by the President himself, have a direct tendency to commit the peace of the country, and yet it cannot be said that they constitute an alliance, or a breach of neutrality, or an act of hostility to Europe. The President has given us a *practical* interpretation of the meaning of his declaration upon this subject, by recommending measures, whose unquestionable tendency it is to commit the peace of the nation, in *certain contingencies*, at the *very time* that he disclaims all intention of entering into alliances, or of doing any thing which would be incompatible with our neutrality, or import hostility to Europe. Sir, I do not mean to question the integrity and good faith of the President's declarations. I am not afraid that *he intends to deceive us*; but the consequences may be equally fatal, if *we deceive ourselves*. Let us not shut our eyes against the light, because it may disclose to us unwelcome dangers. Let us take the declarations of the President in the sense in which they were made. Let *us* understand them as *he* understands them; and, when so understood, they afford, in my opinion, no security for the peace of the nation.

Now, sir, to determine how far this construction of the President's can be sustained, let us turn to the advice of General Washington, in *his own words*. The language of that great



man, which deserves to be as immortal as his fame, was this: "The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop. Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships and enmities. Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient Government, *the period is not far off, when we may defy material injury from external annoyance*—when we may take such an attitude as will cause the neutrality, we may at any time resolve upon, to be scrupulously respected—when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation—when we may choose peace or war, as our interest, guided by justice, shall counsel. Why forego the advantage of so peculiar a situation? *Why quit our own, to stand upon foreign ground?*"

One would think that language so plain, so clear, so unequivocal, could not, by any ingenuity of construction, be tortured into a *recommendation* or *approval* of "political connections with foreign nations"—the very thing against which it warned us. All that the most intrepid commentator could be supposed capable of contending for, (and that I hope to show cannot be successfully maintained,) is that, from circumstances which have arisen since the time of Washington, and not foreseen by him, his advice *no longer* applies to our condition, and does *not, therefore, inhibit* the formation of "political connections with foreign nations," under these new circumstances. But, sir, the President takes bolder ground. He says the *propriety* of these political connections is *directly deducible* from "the sound and judicious principles," from the "*very words* of Washington." Now, sir, how does the President make out this deduction? Why, sir, by superinducing his *own words* upon those of Washington. This passage of the President's Message is so curious a specimen of criticism and logic combined, that I beg leave to call the attention of the committee to it. "Compare our situation and the circumstances of that time, with those of the present day, and what, from the very words of Washington, then, would be his *counsels* to his countrymen now? Europe has still her set of primary interests, with which we have little or a remote relation. Our distant and detached situation, with reference to Europe, remains the same. But we

were then the only independent nation of this hemisphere; and we were surrounded by European colonies, with the greater part of which we had no more intercourse than with the inhabitants of another planet. Those colonies have now been transformed into eight independent nations, extending to our very borders. Seven of them Republics, like ourselves, with whom we have an immensely growing commercial, and *must* have, and have already, important political connections; with reference to whom, our situation is neither distant nor detached—whose political principles and systems of Government, congenial with our own, must and will have an action and counteraction upon us and ours, to which we cannot be indifferent, if we would. The rapidity of our growth, and the consequent increase of our strength, have more than realized the *anticipations* of this admirable political legacy. Thirty years have nearly elapsed since it was written; and, in the interval, our population, our wealth, our territorial extension, our power, physical and moral, has nearly trebled. Reasoning upon this state of things, *from the sound and judicious principles of Washington*, and must we not say that *the period which he predicted* as then not far off, has arrived? That America has a set of primary interests, which have none or a remote relation to Europe. That the interference of Europe, therefore, in those concerns, should be spontaneously withheld by her upon the same principles, that we have never interfered with hers; and that, if she should interfere, as she may, by measures which may have a great and dangerous recoil upon ourselves, we might be called, in defence of our own altars and firesides, to take an attitude which would cause our neutrality to be respected, and choose peace or war, as our interest, guided by justice, should counsel."

The President here, after adverting to the rapid growth of the United States in wealth and population, since the date of General Washington's Address, asks, "must we not say that *the period which Washington predicted* as then not far off, has arrived?" What period is this? The President goes on to describe it as the period when America shall have her set of primary interests, with which Europe should not interfere, and if she should so interfere, we might be called upon to take an attitude for their defence—at this point, taking up again the language of General Washington's Address. It would seem, from the use here made of General Washington's prediction, that *he* had anticipated the period when America would have her set of peculiar interests, and had, in contemplation of that state of things, *indicated* to his countrymen the course of policy which it is now proposed to pursue. But, sir, there is nothing of all this in the Farewell Address. The period spoken of by General Washington as not far off, was the period when, by our advancement in wealth and power, "under an efficient Government,

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we might defy material injury from external annoyance," &c. General Washington evidently intended to ground upon this anticipation an additional argument in favor of the policy he had recommended, inasmuch as the ability to defy external annoyance, which he had looked forward to as the result of our remaining one people, under an efficient Government, would place us above the necessity of seeking foreign connections, for the purpose of strengthening ourselves. But this very anticipation, which General Washington had introduced as a strong motive for adhering to the policy of avoiding "political connections with foreign nations," the President, by a singular metamorphosis, has converted into an instrument for justifying and enforcing a departure from that policy. Sir, do not the heart and the head equally revolt at this perversion of the language and reasoning of General Washington? At the time when his Farewell Address was given to the world, we were yet an infant people; our numbers thinly scattered over an extensive territory; our finances embarrassed, and our resources, of every sort, impaired by the effects of our recent struggle for independence. In this situation, there were inducements to court foreign alliances, to aid and support us in the event of collisions with the rest of the world. If, under these circumstances, when the assistance of powerful friends might have been not only beneficial, but necessary to us, Washington yet advised us to steer clear of foreign alliances and connections, with how much more force does this advice apply to our present condition—when his anticipations of our national growth have been most amply realized; when we have already taken such an attitude as to ensure the respect of other nations; when we have proved ourselves competent to be our *own champions*, and the *successful defenders of our own rights*!

The President has, therefore, in my opinion, wholly failed, not only in his attempt to prove affirmatively that the advice of Washington leads to and proves the formation of the political connections in question, but in his endeavor to maintain the inferior negative proposition, that the injunction to avoid such connections in general, *does not apply* to the particular circumstances of our present condition. On the contrary, it is manifest, for the reasons I have just suggested, that this injunction applies with increased force, to the state in which we now are. It is true that General Washington illustrates his advice by reference to European politics, but the advice itself is not confined to our relations with Europe. In its spirit and its principles, it is universal and immutable, acknowledging no distinction of time or place. In the comprehensive words used by him in a subsequent part of his address, "is our true policy to steer clear of permanent alliances with any portion of the foreign world." The parting injunction of the Father of his Country, then, can neither be construed

nor *reasoned* away. It still continues to admonish us, in its deep and impressive tones, against the fatal policy of entangling ourselves by "political connections with foreign nations;" whether young or old, whether on this or the other side of the Atlantic.

But, sir, another argument urged in favor of this political connection with Spanish America is, that we owe it to the *cause of liberty*. Sir, in my opinion, we can best advance the cause of liberty by the influence of our example, and by presenting to the world the spectacle of a prosperous and happy people, blessed in the enjoyment of their free institutions. Let us, then, for the sake of mankind, as well as ourselves, attend to our own concerns; improve the gifts of Providence, with which we have been crowned; perfect and build up our political institutions, by every means of amelioration which time and experience may supply, that they may remain to our posterity, and stand in the eyes of the world, at once a *monument and a model of human freedom*. Let us, above all things, avoid the danger of being drawn into unnecessary foreign wars, which have, in all ages, been the grave of republican liberty. We do, indeed, owe a solemn responsibility to all mankind, in this and future ages, for the fate of the experiment of free Government, which has been committed to our hands. The success of this experiment does, in my opinion, mainly depend upon our keeping clear of entangling connections with other people, who may be less blessed with an aptitude and capacity for freedom than ourselves, and whose interests or passions might involve us in enterprises foreign to our sober and peaceful pursuits. Sir, if other nations are destined to lose their liberties, let us acquit ourselves of the high trust which Providence has devolved upon us, and endeavor to preserve *our own*; that one beacon-light, at least, may be left to cheer the darkness of the political world, and to guide those nations who may have lost their liberties, through that sea of revolution upon which they must embark to recover them.

Another argument urged in favor of the establishment of more intimate relations with the Spanish American States is, that by doing so, we shall secure *their good will*, which is highly important to us, both in a commercial and a political view. What success is likely to attend this experiment, may be inferred from that which has followed our past efforts, of a similar nature. I have already briefly alluded to the various offices of kindness, and manifestations of friendship, which we have exhibited towards these people. With what return have they ever met? Let any gentleman read the late message of the President of Mexico to his Congress, and then let his feelings of mortified and indignant pride give the answer. Sir, we have vainly imagined that, by the acts of disinterested friendship, and the solid and useful services we have rendered our Southern neighbors, we had won their gratitude and con-

sidence; that they looked up to us as their patron and guide, and regarded us with filial reverence—to use the language of a gentleman from Kentucky, (Mr. MURKIN,) as the Mother of Republics. But, sir, this fond delusion is dissipated. The message of the Mexican President begins with celebrating, in the most fulsome strains, the power, the wisdom, the *magnanimity* of Great Britain, in her transactions with the Spanish American States, and distinctly attributes the disconcertion of the schemes of their enemies to the interposition of the *British trident*—which trident was never interposed in any other way than by forming commercial relations with them, for *her own benefit*, and even this was not done till three or four years after we had made a formal and explicit acknowledgment of their independence, in the face of the world. Sir, we have, heretofore, supposed that we had some agency in disconcerting the schemes of their enemies, but the Mexican President gives the whole credit of the operation to Great Britain. In a subsequent part of the message, the United States are introduced, with a cold formality, as “the *oldest* of the independent States,” with some empty compliments upon our revolutionary struggle, and our political institutions; and the fact is admitted, because it could not be disguised, that we were the first to acknowledge their independence. But we recognize no traces of that ardent devotion, that fervent gratitude, that affectionate confidence, which we have been taught to believe were cherished in all Spanish American hearts towards us, and of which there are such ample and gratuitous displays towards Great Britain.

Sir, the same unwelcome discovery breaks in upon us in the history of our attempt to negotiate a commercial treaty with Mexico. We see our Minister earnestly entreating for equal privileges with the American States of Spanish origin, upon the ground that we are a member of the *great American family*, and that we have rendered important services to the cause of Spanish American independence. But, the claim is *perpetually rejected*, and the Mexican Government insists upon retaining the power of granting exclusive advantages to the other Spanish American States, expressly for the purpose of “*evincing her sympathies in their favor*” and to our detriment, of course, in the event of a war (which she ungraciously anticipates) between them and the United States. If we turn to the history of our transactions with the Republic of Colombia, we shall find in them, too, reason to apprehend that we have been deceived in relation to the feelings of that portion of the Spanish American people towards us. In fixing the basis of our commercial intercourse with that republic, all that we were able to obtain from her was the concession of equal privileges with the *most favored nation*. In a treaty, however, lately negotiated with Great Britain, she puts that nation on the footing of *her own citizens*.

It is true, that, by the *consequential* operations of our treaty, we shall now be invested with the same privileges which have been accorded to Great Britain. But the difference in the *original character* of the stipulations evinces a partiality, to which our Government cannot be, and has not been, insensible. Sir, it is impossible to look into the records of our diplomatic communications with the States of Spanish America, and not perceive that their minds have *too readily* imbibed the poison of suspicion, in relation to the singleness and disinterestedness of the views by which we have been actuated in our conduct towards them. The documents in our possession show, that a French emissary at Bogota, in 1823, labored to make the impression, that “the United States were influenced by *interested motives*, in recognizing the new Governments of Spanish America.” This insinuation, however injurious and unfounded, had its effect, and its influence is discernible in all our subsequent intercourse.

The result of our past efforts, therefore, to conciliate the good will and affection of these new States, affords but little ground to hope for success in the experiment now proposed. Sir, for myself, I do not believe there ever can be any *cordial fraternity* between us and them. The difference of origin, of blood, of physical and moral constitution, of language, of manners and customs, of religion, as they preclude all congeniality of feeling, must oppose insuperable impediments to any intimate political union. From the external circumstances, too, in which we are placed, there must arise between us, and, indeed, there have already arisen—as in the case of Cuba—serious collisions of interest or of ambition. It may be said, with fully as much justice as the remark has been applied to England and France, that Mexico and the United States, from their relative situation, and the position they occupy on the Gulf of Mexico, are *natural enemies*.

The question then is, whether these elements of discrepancy can be mitigated or harmonized by any system of political connection? I think not, sir. All history proves that confederacies have been the fruitful matrix of internal dissensions and domestic feuds. How was it, sir, with the Amphictyonic League of ancient Greece? The jealousies existing between the members of the League, particularly Athens and Sparta, its leading members (which jealousies, too, grew out of the relations to one another created by the League itself,) involved them in perpetual controversies, and finally led to the Peloponnesian war, which terminated in its dissolution. Modern Europe affords us an equally instructive lesson. The history of the Germanic body, for centuries, is nothing but a history of the bloody and cruel wars among the princes and States which composed it. The scheme of a *great American Confederacy*, therefore, instead of affording a remedy for the evils which already exist,

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would but serve to aggravate them. It would itself be the parent of new dissensions, which, otherwise, would have no existence. In what has occurred, already, the *germs* of these dissensions are plainly distinguishable. We claim to be the *head of the American powers*. In the beau-ideal of this new planetary system, sketched by Mr. Clay, in 1820, we were, indeed, to be, not the orb of first magnitude merely, but the *centre*, around which all the other orbs were to revolve. At one period, our claim to this pre-eminence seemed to be acknowledged. When the project of the *great American Congress* was first communicated to this Government, it was intimated that the United States were to be invited to *preside*. But we hear nothing of this now. We are only invited as one among others. In the mean time, Colombia takes the *lead*, and our jealousy is excited in turn, as the letter from Mr. Adams to Mr. Forbes very plainly indicates. Here, then, we see the germ of these jealousies which would inevitably distract and embroil the *great American Confederacy*, as they have every other Confederacy which has gone before it. The United States and Colombia will be the *Athens* and the *Sparta* of this *Modern Amphictyonic League*, and their rivalry would lead to a Peloponnesian war, far more desolating and tremendous than that of which Grecian annals afford us the account.

Mr. BUCKNER next rose and addressed the committee as follows:

Mr. Chairman: The amendment proposed by the gentleman from Delaware, (Mr. McLAUGHLIN,) and that by the gentleman from Virginia, (Mr. RIVZ,) are nothing less than conditions, or restrictions, attempted to be imposed upon the constitutional power of the President. That the latter gentleman so understands them is evident, by the illustration of his argument which he gave, in speaking of the right, which he who has the power of granting possesses, of annexing whatever conditions he may think proper to his grant. If the gentleman had reflected a moment, it appears to me that his clear and discriminating mind could not have failed to observe the utter inaptitude of the comparison. There is not the slightest analogy between the conditions on which a grant by deed is made, and an appropriation by Congress. He who grants that to which he has an unqualified title, is certainly at liberty to dispose of it as he pleases, and upon whatever terms he may think proper. But has Congress the right to grant the money of the people to any one, and upon whatever terms we may choose?

Has the gentleman forgotten that the word grant, in a deed, has a technical signification, very different from that in which we use it when we speak of a grant of money? When we appropriate money to pay the salaries of the different officers of Government, have we a right to impose conditions? When we appropriate money to pay the salary of the Presi-

dent, can we say we do it on condition that he will pursue a certain course of policy pointed out? Can we, in like manner, make provision for the salaries of the judges of the Supreme Court, but do it upon the condition that they will decide some given case consistently with our opinions of the principles upon which the decision should be founded? The Senate, in the confirmation of a treaty, must be consulted; the concurrence of a certain portion of its members is essential. If the President has a right to demand our advice, so has the Senate. It must rest on the same grounds. In what a ridiculous attitude would they present themselves before us, to ask our advice with respect to the course they should pursue on such an occasion.

It is unwise that we should, by an interference in the form of advice, diminish that responsibility which the constitution has placed on the Executive, and the Senate, his advisers. I am not willing, sir, to interpose my little finger between the President and Senate, and that censure from the people, which inevitably awaits them, if, by carelessness—by a want of political foresight—or from any other cause growing out of this mission—they involve us in an unnecessary and ruinous war. If, however, it eventuates differently—(as I most earnestly hope, and confidently believe, it will)—if, thereby, our commercial prospects are brightened—the best interests of the nation consulted—the cause of humanity and of liberty advanced—I am not so unjust as to wish to break a twig, or to pluck even a leaf from the civic wreath which the people of the United States will prepare, with which to entwine their brows.

Mr. Chairman, if it be proper for us to express our opinions, not only on the general expediency of this mission, but to point out with precision, and in detail, the point to which this Government may safely go, and the point beyond which it would be ruinous to venture, have we not a right to demand all the information upon which the President himself has acted? We cannot be reasonably called upon to take a leap in the dark. What are the terms of the resolution, in obedience to which the Executive made his communication to this House? He was called upon by that resolution to lay before this House so much of the correspondence between the Government of the United States, and the new States of America, or their Ministers, respecting the proposed Congress, or meeting of Diplomatic Agents at Panama, and such information respecting the general character of that expected Congress, as might be in his possession, and might, in his opinion, be communicated without *prejudice* to the public interest; and also, to inform us, as far as, in his opinion, the public interest might allow, in regard to what objects the agents of the United States were expected to take part in the deliberations of that Congress. We may then have a whole, or a part only, of the

testimony before us. It is very probable that, in this case, we have all; but I speak on principles alike applicable to every case of this description. Sir, it is not a matter of discretion with us. We are not authorized to take upon ourselves a responsibility which our constitutional duty has not devolved on us. The Executive is not bound—and, in some cases, would act most unwisely, whilst negotiating a treaty, to lay all the information which might be in his possession upon the subject, even before the Senators, who are his constitutional advisers. We are told, that this is an unprecedented measure, and that in such view this House may be justified in pursuing, in relation to it, an unprecedented course. There is an obvious distinction between a course simply unprecedented, and one which is justly subject to that charge, and is, moreover, unconstitutional. Gentlemen do not, and cannot, point out a single example, in the whole history of our diplomatic proceedings, in which such an interference, on the part of the House of Representatives, has been attempted. But, it is not true, that the proposed mission will be an acknowledged departure from the settled policy of this Government. If it were true, as asserted, that we are about to enter into an alliance, offensive and defensive, to link our destinies with those of any other Government, then, indeed, it would be an acknowledged departure—then, indeed, would there be ground for apprehension; but, as the subject is now presented to us, the supposed cause of alarm is as airy as the baseless fabric of a vision. It seems to have originated in a most uncharitable and unfounded suspicion of the sincerity and integrity of the Executive. Can it reasonably be supposed, that the Administration will knowingly pursue a course alike ruinous to itself and to the country! As well might we expect to see one in the full enjoyment of his intellectual faculties—before whom was placed for his choice, health and happiness on one hand—death on the other—madly rushing upon the instrument of his own destruction.

Let us now, Mr. Chairman, consider the nature of the invitation which we have received from the Republics of Colombia, Mexico, and Central America, to be represented by our diplomatic agents at the Congress at Panama; the danger, if any, to be apprehended by an acceptance; and the objects worthy the attention of this Government, which the occasion may afford us an opportunity of securing. It was urged by my colleague, that we have received invitations from three only of the South American nations, whose Ministers compose that Congress. What inference he designed to draw from it, I am at a loss to conjecture, unless he would consider our attendance there as an intrusion upon those who have not joined in the invitation. They have all been long since informed of the intention of the Executive, that this Government would be represented at the Congress, if the Senate of the United States

should give their sanction. Had any one of these Republics felt any dissatisfaction at the invitation given to us, and conditionally accepted, it is reasonable to presume they would have informed us of it. But this objection of my colleague directly conflicts with the ground which he immediately thereafter takes, in which he attributes the invitations, and the desire of those Republics that we should accept them, to entirely selfish, interested motives.

The objection, sir, appears to me to have but very little weight. Should they even refuse to treat or confer with us, we shall occupy ground less disadvantageous than we should have done by an uncivil and unfriendly rejection of their very kind and respectful invitations. In speaking of the risk which we are to encounter, by an attendance at that Congress, of being drawn into the vortex of ruinous entangling alliances, gentlemen appear to exert their powers of ingenuity, not of argument, but of supposition, to show the unlimited extent of the powers of the agents who compose it. If my view of the subject be correct, the extent of the powers with which they may be invested, presents no objects of terror to us. So far from it, I shall insist that, the greater it may be, the better for us; at least, so far as to ensure to us an opportunity of conferring and agreeing upon such principles of international law, with ministers of competent authority, and adjusting by treaty or otherwise, such matters as may be deemed of importance to the security or prosperity of this nation; and that, in no point of view, can we be injured by it, however unlimited. But it is really somewhat amusing to observe how far some gentlemen have permitted the most unbridled fancy to conjure up a thousand chimerical dangers, arising from powers equally chimerical. My colleague, in particular, seems to have suffered under the terrors of this vision. He favored us with a comparison of the powers of this Congress, and the nature of the alliance between the South American Republics and the powers of our former Congress, and the alliance of the States under the Articles of our former Confederation. He discovered, in some respects, a most striking similitude; yet he surely would not deny that, in many most important points, no two bodies of men could, in their powers, be more dissimilar.

I said, Mr. Chairman, that however unlimited the powers of the Ministers who compose that Congress might be, they presented no cause of terror to us. From whom do they derive their authority? From their respective Governments. Have those Governments any, the slightest control over us, by contract or otherwise? Have we bound ourselves by treaty? Have we formed any alliance whatever with them? Should Mr. Salazar, and Mr. Obregon, and Mr. Canaz, present themselves before this Government, with authority on paper, as unlimited as Heaven's expanse, and tell us that they came to propose to us an abolition of this

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Government; or to treat for a purchase of the United States; would any man be alarmed? "Shall I be frightened when a madman stares?" It has been said that they have a right to interpret treaties. That power, like all the others which they possess, is conferred on them by their respective Governments, and would no more affect us, than we could injure them by passing a resolution that certain commissioners named, should determine all controverted points arising out of any treaties between them and ourselves.

Mr. Chairman, it has been insisted by the gentleman from Virginia, (Mr. RIVES,) that if we send Ministers, we are committed to take part in the deliberations of the Congress, concerning an alliance; and, to support him in this, he adverts to the terms of the invitation on the part of the Ministers in behalf of their respective Governments, and of the acceptance by Mr. Clay. Were it true that we should be bound to take part in those discussions, can the gentleman perceive such a discussion to be fraught with any ruinous or deleterious consequences? To a certain extent, I hope they will take part in the discussion. It will be but a proper response to that politeness and good feeling which dictated the invitations; that our Ministers should meet them, and by every argument that may be suggested, in the most conciliatory manner, satisfy them of the impropriety of binding ourselves by treaty upon the subject. Let them be assured, again and again, if necessary, that the people of the United States feel no diminution of that deep solicitude for their prosperity, and the preservation of their independence unimpaired, which they have manifested on all suitable occasions. Let us advise them, when advice may be asked; but enter into no such alliance as that spoken of by the gentleman, of uniting our and their destinies, by a league, offensive and defensive. An idea of such an alliance has never entered the head of any one of the advocates of the proposed mission. But I will turn to the proof relied on, and, from that, show that those Governments have no right to hope for such an alliance; nay, that they do not even solicit it of us.

Mr. Salazar to Mr. Clay, in his communication of the 2d of November, 1825, says: "Of the points which will be under discussion by the Assembly of Panama, the undersigned is unable to give a minute enumeration, as they will, evidently, arise out of the deliberations of the Congress. He is, however, authorized by his Government to assure the United States, that these points have no tendency to violate their professed principles of neutrality." Again: "It belongs to each of the concurring parties to propose their views; but the voice of the United States will be heard with the respect and deference which its early labors in a work of such importance will merit." And again, in language still less capable of misconstruction: "The manner in which all colonization of Eu-

ropean powers on the American continent shall be resisted, and their interference in the present contest between Spain and her former colonies prevented, are other points of great interest. Were it proper, [mark the language!] an eventual alliance in case these events should occur, which is within the range of possibilities, and the treaty, of which no use could be made, until the *casus fœderis* should happen, to remain secret; or, if this should seem premature, a convention so anticipated would be different means to secure the same end."

Mr. Obregon says, that, "one of the subjects which will occupy the attention of the Congress, will be the resistance, or opposition, to the interference of any neutral nation in the question and war of independence between the new powers of the continent and Spain." But in no part of his official communication does he speak of an expected alliance between them and the United States.

In refusing, therefore, for the present, to bind this Government on the subject, those Republics will have no cause of complaint against us. That such a coalition, made public in Europe, would be calculated to aid them in the maintenance of their independence, is a proposition not altogether devoid of doubt. How far we, the people of the United States, might, in consenting to it, incur the censure or hatred of the crowned heads of Europe, it would be as unworthy of us, as it would be derogatory to the character of our forefathers, to inquire.

The objection to such a course is, that it would be a departure from the policy which Washington recommended, and to which we have strictly adhered, from the very commencement of the Government—enjoying peace, with a short interval, and unexampled prosperity, whilst Europe has groaned under the affliction of the most desolating wars. Yet, if the powers of Europe should attempt to aid Spain in the resubjugation of South America or Mexico, or to colonize any part of either, it would be difficult to satisfy me that it would not be a duty we owe to ourselves, upon the performance of which might depend the quietude, if not the safety of the United States, to take part in the contest, in aid of these Republics. In such a struggle, we could not, if we desired, remain neutral. We should be forced, if we did not voluntarily enter, into the vortex; and God forbid that we should ever raise our arms but in defence of justice and of liberty.

Although, in the language of the present Executive, as quoted by my colleague, the people of the United States do not go abroad in search of monsters to destroy; yet, if monsters declare a war of extermination against freedom, throughout the world, and should attempt to enforce their most abominable doctrines, in our very neighborhood, upon our sister Republics; I, for one, am not willing to see the United States stand and supinely look on as idle gazers, as if not conscious that they

must, in their turn, be called upon to offer their liberty and independence as a sacrifice to those monsters. These, however, are but my opinions, which, as a member of the House of Representatives, will never be obtruded on the Executive and Senate as the basis of any negotiation. Let those judge whom the constitution calls on to judge. In speaking of the celebrated declaration of Mr. Monroe, in his message to Congress, the gentleman from Delaware (Mr. MOLANE) says, "we ought to have acted on it in 1823; that it ought not to be permitted to stand, unless we intend to comply." What was that declaration? Let any one read it, and say of what he disapproves. It contains a pledge, we are told. To whom? Not to the Governments of South America: they do not understand it in that way. Mr. Salazar, in his letter to Mr. Clay, speaks of it as a bare declaration, or protest. It is very generally admitted, that salutary consequences have resulted from it; and we are now called upon to retract. The declaration, in my humble opinion, was dictated with great political foresight, and accorded with the feelings of the whole nation.

Had we acted upon it in 1823, was there a gentleman on this floor who, if he had considered it as his duty to speak at all on the subject, would have said less? Is there one who would now say less? If there is, he would not speak the language of this nation. Nothing ever was better said, or more appropriately timed; and yet, we are cautioned to consider well, whether we should be prepared to act accordingly, when the occasion is presented. Sir, we cannot, at this time, if we would, withdraw this declaration, without subjecting ourselves to the charge of the most manifest injustice, and unfeeling cruelty to those whom we call *friends*. Better, by far, that we had never opened our lips on the subject, than *now* to recant. It would be no very indirect invitation to the powers of Europe, who may have formed a coalition for that purpose, to attempt the execution of their nefarious project of the universal prostration of the principles of true liberty. It would add one other memorable example to the many, which the history of the world has furnished, that those who are the most clamorous in their protestations of friendship, are not the most to be relied on. Not that I insinuate that we labor under any obligation to any of the South American Governments, to comply with the declaration at any time. Of that we will determine, when it is meet to determine: this only I say, that all the obligations of honor, of friendship, of justice, demand that we should not now retract it. No principle of policy, no rule, of even the most timid caution, can justify such a disavowal, when it is not necessary to act upon it. Are we freemen, and shall we fear to speak our sentiments? No, sir; for the sake of humanity, of justice—for the honor of my country, I hope we shall not take back one word.

Let me add a word or two on the subject of the condition of the islands of Cuba and Porto Rico, in answer to the remarks of my colleague, and I shall occupy the attention of the committee no longer. The invasion of those islands by the United States of Mexico and Colombia, we are informed, is avowedly among the objects to be matured by the belligerent States at Panama. Should the project of invasion be carried into effect, it requires no great foresight to discover that the most alarming and calamitous consequences might result from it to the United States. Their importance to us, in a commercial point of view, is obvious. The character of a large portion of their population; their contiguity to our shores; the influence on a certain portion of the population of the United States, which the tragic scenes, the probable result of such an invasion might produce, are considerations of a most momentous nature. The probability, moreover, arising out of such an invasion, that they might fall into the hands of some European power, whose policy it might be to embarrass, as much as possible, our commerce, is, in my opinion, a matter which, connected with the other aspect of it, closes the door against all possible doubt of the propriety of our being ably represented at the Congress, and of endeavoring, if possible, to avert a catastrophe as terrible as it is certain, unless prevented by our timely exertions. Mr. Chairman, if the President of the United States had omitted to use his best exertions to prevent such evils, he would have deserved the execrations of his countrymen, as worse than a traitor.

#### *Non-Alienation of Cuba to any European power.*

Before the committee rose, Mr. MARKLEY read the following resolutions, which he intended to offer, should the present amendment not prevail:

*Resolved*, As the sense of this House, that the United States could not see, with indifference, the transfer of the island of Cuba from Spain to any other European power.

*Resolved*, That this House approves the course adopted by the President, as manifested by the official correspondence laid before the House, in endeavoring to dissuade the Governments of Colombia and Mexico from any attempt to conquer or take possession of said island.

*Resolved*, As the sense of this House, that, although the time has passed, when there existed any probability of a combination among the other powers of Europe to co-operate with Spain in attempts to conquer her former American colonies, now Independent States; yet, in the judgment of this House, the declaration of the late President of the United States, in relation to that subject, in his Message to both Houses of Congress, in December, 1823, was wise, seasonable, and patriotic; that it reserved to this Government an uncontrolled power of deciding or acting, in any crisis, as our interest and policy might require; that it had a tendency, in concurrence with other causes, to prevent such

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combination as above mentioned; and that the sentiments of that declaration, if circumstances should, hereafter, unhappily and unexpectedly arise, to make them again applicable, would be strictly conformable to the duty and true policy of the United States.

The committee then rose, and the House adjourned.

SATURDAY, April 7.

*Massachusetts Militia Claims.*

The House then went into Committee of the Whole, Mr. BUCHANAN in the chair, on the bill "allowing compensation to the State of Massachusetts, for militia services, performed during the last war."

Mr. DWIGHT rose and said: The claim results, sir, from the reciprocal rights and duties conceded to the States, and guaranteed by the General Government, at the time of the adoption of the constitution.

By that compact, in her character of a sovereign and independent State, Massachusetts surrendered to you the purse and the sword; the fiscal and the physical energies of her dominion, to be used by you for the purposes of the general welfare.

Aware of the importance of these powers, and of the incompetency of the States to protect themselves, when you should have drawn out their revenues derived from the customs, you guaranteed to them, by the fourth section of the fourth article of the constitution, "protection," not only against foreign "invasion," but against "domestic violence." From domestic violence, God forbid that she should ever have occasion to ask your protection. The character of her citizens forbids such an apprehension. But from invasion she has been, and may again be, compelled to ask protection from those to whom she has surrendered the means by which she would otherwise have protected herself.

The principles of the social compact of Government itself, would justify the claim, independent of the special obligations which the United States have assumed as an equivalent for the privileges granted by the States. Under what Government of the earth, he would ask, would the expenditure necessarily incurred by the defence of an integral portion of the empire, be thrown exclusively upon the citizens of that particular territory? Where, but under colonial vassalage, could such a doctrine maintain? Even there, the colony would have an exemption, which a State has not, from the burthens incident to the defence of the General Government.

How much more strongly, sir, do such obligations rest upon the Government of the United States, by the fundamental law of the country—the constitution under which we live.

Independent of their revenues, which are justly termed the sinews of war, the States surrendered, as a means of defence, under cer-

tain specified emergencies, their militia to the United States.

By the constitution, article 1, section 8, it is provided that Congress shall have power to provide for calling forth the militia—

To execute the laws of the Union,  
To suppress insurrections,  
And to repel invasions.

And also to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States: *reserving* to the States respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress.

By these provisions, it is manifest, that, notwithstanding the laudable State jealousy which they evince, still the militia of the States are, to the General Government, the right arm of the national defence; and by the other clause, that of "raising and supporting armies and maintaining navies," the General Government were provided with the means of carrying on their *offensive* operations against the common enemy, wherever a blow might be struck with effect.

For purposes, then, merely municipal, as it regards ourselves, and strictly *defensive*, as it regards the enemy, the militia of the States compose the force upon which the General Government may, and perhaps ought, exclusively to rely.

Beyond this he could never go, in the construction of the powers of the General Government over the militia, who are, in effect, the people of the States.

Can we suppose, for a moment, that, by the constitution, the freemen of this country can be called from their occupations, against their principles, their interests, and their wishes, to a war of conquest and aggrandizement, by some ambitious and unprincipled Administration that shall hereafter get into place?

To prosecute *what war with effect?* he would ask. An *offensive* war!!!—Will the people of the States for a moment tolerate the doctrine that the militia of Massachusetts may be marched to the conquest of Mexico, or those of Georgia to the conquest of Nova Scotia and New Brunswick?

Are the yeomen of sovereign States to be made liable to a conscription more indiscriminating and not less odious than that of Bonaparte?

Having shown that those errors of constitutional opinion might exist in men who were devoted to the interests and honor of the country, he would proceed to show, from the documents themselves, that a due regard to the security and protection of the country must have animated the Government, even at that time; and that, before any actual invasion in eighteen hundred and fourteen, the Government of Massachusetts had, practically, abandoned the offensive constitutional doctrines.

Indeed, the militia were, in several in-



stances, to the number of three thousand, voluntarily submitted to the command and direction of General Dearborn, during the Summer and Fall of 1814, and that command accepted by him. This could not have been done unless the Governor had himself revised, or, at least, doubted the opinion of the Supreme Court, sanctioned by him in 1812; for no invasion actually existed, and the President himself was not there in person to assume the command.

It may, to be sure, be said, that, as late as September, 1814, the Governor refused to put the troops detached for the defence of Boston, under the command of an officer of the United States. I am not aware that any specific request was made to him for that purpose, but, if there were, it is quite apparent that the decision of 1812 was not made the ground of refusal. Indeed, during that month, eleven or twelve hundred troops were actually placed in the forts of Boston harbor, under the command of General Dearborn, but more immediately commanded by his son, then a Brigadier General in the Massachusetts militia. To show the intentions and sentiments of the Government of Massachusetts, it may be well to refer to the order of events, from the breaking out of the war down to the period just alluded to.

By reference to the order of July, 1812, in pursuance of the requisition of the General Government for the Massachusetts quota of 100,000 men, it will be seen that the militia were called upon by every consideration which could rouse their spirits as men, or their loyalty as patriots, to hold themselves in readiness to march at a moment's warning for the defence of the State. No remarks, sir, can do justice to the spirit and sentiments of this order. He would, therefore, take leave to quote from it some of those sentiments, which he considered as triumphantly repelling the charge of an attempt to thwart the views of the General Government in regard to the defence of the country.

"War having been declared, the Commander-in-Chief calls upon the militia of Massachusetts duly to notice the solemn and interesting crisis, and exhorts them to meet the occasion with constancy and firmness. When war is commenced, no human foresight can discern the time of its termination, or the course of events that may follow in its train—but the path of duty is the path of safety. Providence seldom abandons to ruin those, who, to a just reliance upon the superintending influence of Heaven, add their own strenuous exertions to preserve themselves."

He then goes on to recommend a close and persevering attention to the duties of their several stations; that the men may be perfectly armed, equipped, and disciplined; that the officers may thoroughly understand their duty; and that they all may be ready with "alacrity and effect to defend their country, their constitutional rights and their liberties, which are not only our birthrights, but which, at the expense of so much blood and treasure, were purchased in the late Revolution."

"The Commander-in-Chief further orders and directs that the Generals and other officers of the militia of Massachusetts, bearing in mind the possibility of a sudden invasion, hold themselves, and the corps under their command, in constant readiness to assemble and march to the defence of any part or parts of the Commonwealth, pursuant to the orders to be given by him, but without waiting for such orders in case of actual invasion, or such imminent danger thereof as will not admit of delay."

If this be thwarting the views of the General Government, sir, it would follow that those views were hostile to a patriotic defence of the territory of Massachusetts, which he hoped no man would be willing to impute to the Government of the United States.

This was the order under which the militia of Massachusetts were to move throughout the war: wherever invasion threatened there they were to march. Is this, sir, throwing obstacles in the way of the General Government? True, sir, there was, at that time, in the Government of Massachusetts, an opposition, a constitutional one, to the men in power; and who is there that would dare to call upon the people of any State to surrender its right to judge what class of men are most competent to wield the power of the nation? But, this right of opinion was not exercised in a manner calculated to obstruct the measures of the General Government. In the letter of the Governor to the Secretary of War, of the 5th August, 1812, he says: the companies to be marched to Passamaquoddy and Eastport will be stationed there "until the President shall otherwise direct," and, in conclusion, he remarks, that he is fully disposed to afford all the aid to the measures of the National Government which the constitution requires of him; but, he presumes, it will not be expected or desired that he should fail in the duty he owed to the people of the State, who had confided their interest to his care.

This letter, sir, is an argument to show, that the mode of calling out the militia proposed by General Dearborn, would invite the aggressions of the enemy, and diminish the power which Massachusetts then had of resistance.

And, what was the mode subsequently proposed by Gen. Dearborn? It will be remembered that the militia of Massachusetts were organized into companies of sixty-four, according to the laws of the United States, and his requisition was, for the militia, in companies of one hundred each, according to the organization of the regular army, and contrary to the existing law of the United States in regard to the organization of the militia. No argument need be made to show the practical inconvenience which would result from such a call, nor its tendency to defeat the constitutional provision, which was reserved to the States, of appointing their officers and training the militia, according to discipline prescribed by Congress.

In July, 1818, the regular troops were removed from the State of Massachusetts, to carry

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on the war upon the northern frontier. The course taken by Massachusetts, therefore, did not diminish the power of the General Government to prosecute the war with effect, wherever the enemy could be met.

In July, 1814, a requisition was made by Gen. Dearborn upon the Governor, for eleven hundred men, and notwithstanding the strong objection which resulted from the organization into companies of one hundred, as proposed by that call, they were placed under his command, for the three months required.

At the same time, Gen. King was authorized to call out the militia of his division, in Maine, and place them in the forts along that seaboard, should the officers of the United States require it.

The Major-Generals of the fifth division, including the counties of Plymouth, Bristol, and Barnstable; of the second division, in the county of Essex; of the sixth and twelfth divisions, comprising the counties of York and Cumberland—all of which bordered upon the seacoast, were directed to keep guards at the points of danger, and have the militia in constant readiness to march, at the shortest notice, for the defence of any place that might be attacked.

The alarm had, during this Summer, become almost universal along the seacoast, of six hundred miles, from Rhode Island to the eastern extremity of Maine, which Massachusetts had to defend, without the aid of any of the regular troops.

British ships of war were hovering on our coast. Every place was exposed. Every thing was in danger from an effective force of the enemy of eight or ten thousand men, enabled by the fleet to which they were attached, to make a descent upon any point of this long-extended line of seacoast.

Boston was considered the object of the enemy. The British Admiral threatened the towns on the seaboard generally, with destruction. But the United States naval depot at Charlestown, and the wealth of our capital, at once excited the avarice and the love of glory of the enemy. Apprehension became universal, and the danger of invasion was so imminent, that the Government issued new orders for the whole militia of the Commonwealth to be in readiness. Five regiments of infantry, two battalions of artillery, and several independent and rifle companies—the flower of Massachusetts—were marched from the centre and extremity of the Commonwealth for the defence of the capital—and remained encamped in the vicinity for several weeks, until the apprehension had subsided, or at least the danger had gone by. As one of that corps, he could himself bear testimony to the alacrity with which the troops came out, and the unfeigned joy with which they were received as the defenders of the capital. To any one acquainted with the occurrences of that period, and the threats of the enemy, it would be superfluous to say, that

these measures averted the calamities which would have followed the threatened attacks of the enemy. Twenty-five hundred men were marched from the county of Norfolk, after a notice of twenty-four hours, for the defence of Boston; and eleven hundred and sixty men were placed, in September of this year, under the command of the United States officer, and stationed in the forts of Boston harbor.

A regiment was stationed also at Cambridgeport, and, at the request of General Dearborn, all the militia within twenty miles of Boston, were kept in constant preparation to be called out.

It is true, that the troops ordered out at this period, with the exception of those alluded to in the forts of Boston harbor, were not placed under the command of the officers of the United States. They were ordered out, in companies of sixty-four, according to their habitual organization, under the laws of the United States, and not according to the requisition of the officers of the General Government. It is believed that such new and illegal organization would, if not resisted by the militia themselves, at least have thwarted the patriotic purposes for which they were summoned to the field.

Indeed, the Governor, at this period, announced to the Secretary of War, that he had not placed them under the superintendence of the chief of that military district, because such inconveniences and objections had arisen from having done so before, that he could not repeat the measure.

The cotemporaneous opinion of the officers of the Navy, show how justly these measures were appreciated, and how they estimated the alacrity of the troops in coming to the defence of the naval depot.

Commodore Bainbridge, in his letter of April 6, 1814, expresses to General Welles "the gratification he received in witnessing the ready disposition of General Brooks, of himself, and the military under their command, in affording aid in defence of the frigate Constitution." And Captain Jones, in his letter to the same militia officer, says, that the proofs "of zeal and alacrity to repel meditated attacks of the enemy, evinced in the correspondence, are extremely gratifying, and ensured the safety of the flourishing town of Charlestown and the naval property which the enemy is so desirous to destroy."

The President, himself, in his Message of February, 1824, speaking of the services of the fifth division, the accounts in regard to which had been audited at the War Department, says, that the services rendered by it were spontaneous, patriotic, and proper; necessary for self-defence, to repel, in some instances, actual invasion, and in others to meet, by adequate preparation, invasions that were menaced.

Never, says he, in the same communication, was there a moment when the confidence of the Government in the great body of our fellow-citizens of Massachusetts, was impaired, nor is there a doubt that they were at all times

willing to support their rights, and to repel an invasion by the enemy. He goes on to say, that essential service was rendered in the late war by the militia of Massachusetts, and from the most patriotic motives. It seems just, therefore, says he, that they should be compensated in like manner with the militia of the other States.

Even the remonstrance of the Portland officers against being placed under the command of officers of the United States, contains a sentiment of lofty patriotism, which, he thought, might well indicate the general feeling which animated the citizens of his State. They were ready to defend their country from invasion, and had courage to preserve it unpolluted by any hostile foot.

When the little town of Brewster was laid under contribution, (a common calamity of war,) and was obliged to pay money to preserve its valuable salt works—which Captain Baggott threatened to destroy—the committee of the adjoining town of Orleans declare, that they are doubtful whether the paying such a tribute be consistent with our duty to our country, or our adherence to the constitution. And they very justly remark, that the money so paid, will enable the enemy to prosecute the war against other towns with more vigor.

Those who are disposed to look into the detail of these alarms, and the measures taken to repel the enemy along the southern coast, will be enabled to form a just estimate of both, by looking into the orders published by the direction of Major-General Goodwin, of the fifth division.

He felt convinced that the time allotted to him, would not enable him to do that justice in the detail, to the militia of Massachusetts, which their patriotism and their services would require.

Forty-four thousand of the militia were called out in that State during the war.

He would go on now to consider, for a moment, the particular provisions of the bill upon the table, which proposes to place the claims of the State upon the same footing as the claims of the other States for similar services. It provides—

1st. That they shall be paid where the services were rendered in compliance with the requisition of an officer of the United States.

2d. Where they were called out to repel invasion, or under a well-founded apprehension of invasion. Provided the numbers were not in undue proportion to the exigency.

3d. Where the troops were not specifically withheld from an officer of the United States applying for the same to the Governor, under an authority so to do from the General Government.

Having shown, as he confidently believed, that the abstract constitutional questions had no effect upon the character, usefulness, or patriotism, of the services rendered, and, indeed, that the constitutional question was practically abandoned before the important services were rendered, he might ask, who could feel opposed to the

provisions of a bill which proposed to put those claims upon the same footing of all other claims for similar services?

Mr. SPRAGUE, of Maine, addressed the committee as follows:

Mr. Chairman: I am in favor of the bill; and I am induced to offer my reasons for being so, because I cannot entirely coincide in opinion with either of the gentlemen from Massachusetts (Mr. DAVIS and Mr. DWIGHT) who have addressed you; and because the gentleman from Tennessee (Mr. HOUSTON) has been pleased to say, that no one who was in the minority of Massachusetts during the late war, can support the bill, or receive money under it, without a violation of consistency—without, indeed, an abandonment of principle. Sir, the State which I have the honor in part to represent, and all her Representatives upon this floor, were in that minority. She will receive a portion of the money provided for by the bill, and I am unwilling, by silence, to admit that imputations can rest upon that character for political consistency, which we have so hardly earned and so long maintained.

It is first asked, why should the claim of Massachusetts be allowed? I answer, because it is just in itself, and because similar claims have been allowed to other States.

It is just in itself. The several States have conceded the General Government the power of peace and war, and the revenues by which war is to be prosecuted and aggression repelled; and it is the duty of the General Government to protect each State against invasion. This duty is not left to inference, but is imposed, in express terms, in the fourth section of the fourth article of the constitution. This high obligation, thus assumed by the fundamental compact, is brought into most vigorous exercise when the United States declared war: for then an enemy is created without the consent of the State; the time and circumstances of the declaration are selected by the General Government; and, most assuredly, it ought to defend the citizens from the attacks which it has thus deliberately challenged. If it do not, but leaves a State to exhaust its own resources in repelling the enemy, the United States are bound to repay the sums which shall have been thus expended.

This proposition is so clear that it hardly admits of argument or illustration. It rests upon those eternal principles of justice and good faith by which every judicial tribunal proceeds in enforcing engagements between man and man. Principles, which are fundamental in the jurisprudence of every enlightened country; which the United States have recognized and enforced; and, in obedience to which, Congress have acted, in granting claims, ever since the organization of the Government.

This very subject of militia services has presented itself, and the United States have paid large sums to several States, for expenses incurred in defending themselves during the late war, without any previous request or assent on

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the part of the General Government. Such were the claims of Maryland and New York. This principle has not only been acted upon in particular cases, but established as a general rule. In a letter from Mr. Calhoun, Secretary of War, to the Third Auditor, written on the 14th of February, 1818, in reference to the claims of the State of Maryland, he says: "You will admit all the expenditures by the State that are of the usual character in such cases, and properly vouched, *where the militia have been called out on actual or well-founded fear of invasion.*" And, in a letter of 30th of March, 1818, the same officer, in reference to the claims of New York, says: "In the settlement of similar accounts, *it has been established by this Department as a principle*, that the United States are liable for all the disbursements made by the State on account of militia called out by authority of the United States; provided such disbursements were for the usual military supplies, and such as are authorized by law for the militia. *The same principle applies* where the militia have been called out by the State authority, and afterwards recognized by the President, *or where they have been called out on a sudden invasion, or well-founded fear of invasion.*"

The bill before us is founded upon these principles and these precedents. It proposes to pay to Massachusetts the sum which she necessarily expended in protecting herself from invasion, during a war declared by the United States. It is to extend to her the same measure of justice which has been meted out to the other members of the Confederacy, and which has been withheld from her, and her only. Such being the character of the bill, I cannot doubt that every gentleman who hears me would wish to give it his support, and repay to Massachusetts the sums which she has paid in discharging the obligations of the General Government, unless there be some insuperable objection, involving a violation of principle.

What, then, are the objections which have been urged against it? The speech of the gentleman from Tennessee, (Mr. Houston,) rests solely upon certain doctrines and conduct of Massachusetts during the war. His objection, reduced to distinct form, is, that you cannot pass this bill without giving your sanction to those doctrines and that conduct. This, indeed, comprises all that has been urged, here or elsewhere, which is entitled to be considered as an objection. Those doctrines were—first, that to the State Executive belongs the right to judge of the existence of the exigencies upon which the militia are to be called forth into the service of the United States; and, secondly, that, when called forth, the militia cannot be lawfully commanded by any officer of the United States, except by the President in person. These doctrines were, unquestionably, erroneous. I thought so then—I think so still—I have never had a doubt of it. I have resisted them from the first moment of their promulgation; and far be it from me now to say, or do,

or assent to any thing which would establish them as true. The claim of Massachusetts is not, for a moment, to be put in competition with a sound construction of the constitution—it is but as the dust in the balance, in the comparison.

By passing the bill, you undoubtedly approve of the militia services for which it makes payment. But you do not thereby sanction the opinions and conduct which have been mentioned, unless they were so connected with the services that you cannot countenance the one without opposing the other. Were they so connected? At first view, it would seem difficult to perceive how services, actually performed, should be considered as growing out of a refusal to render service. But, without relying upon this, I ask your attention to the transactions of the period when these expenses were incurred. Let us see what was done, and not merely what was said.

The act of 10th of April, 1812, authorized a *detachment* from the militia of 100,000 men, of which each State was to furnish its quota; and the President was authorized to call them into actual service, in all the exigencies provided for by the constitution. In the same month of April, 1812, the Secretary of War requested the Governors of the several States to hold their respective quotas of said detachment in readiness; and, on the 29d of June following, four days after the declaration of war, General Dearborn requested the Governor of Massachusetts to call into actual service forty-one companies as a part of the Massachusetts quota of said detachment, under the act of April, 1812. This requisition was sanctioned by the President, and enforced by a letter from the Secretary of War to the Governor of Massachusetts, written on the 21st of July, 1812. The Executive of Massachusetts then consulted the Judges of the Supreme Court of that State, and thereupon advanced those erroneous doctrines respecting the constitutional power over the militia, which have been so much and so justly censured; and Governor Strong then refused to comply with the requisition which had been made. What was the extent of that refusal? The most obvious answer is, that it was co-extensive with the request, which was confined, in express terms, to a part of the detachment authorized by the law of 1812, and for six months only. But gentlemen may, perhaps, contend that, a part having been called for and withheld, the refusal, if unretracted, is to be considered as operating so long as the detachment and the law of 1812 existed. This is its utmost latitude. It surely could have no effect when the subject matter, upon which it was to act, was gone. When the law ceases to exist, disobedience of it is necessarily at an end. Now, sir, the law of 1812 expired, by its own limitation, on the 10th of April, 1814, and all the expenses for which remuneration is asked, excepting a small fraction, an hundredth part, perhaps, accrued after that period. If, then, the requisition made under the act of 1812 had been fully complied with—nay, sir, if the whole detachment created

by that law had been in actual service during the whole term of its existence—it would not have precluded the necessity of the services rendered in the Summer and Autumn of 1814, when the enemy was waging war with his utmost vigor upon our seacoast. The provision for defence, by the law of 1812, was contemplated to extend only to April, 1814, when the law and detachment expired together. So far, then, there was no connection whatever between those erroneous opinions, or refusal, and the militia services subsequently performed.

In April, 1814, commenced a new era. The only act of Congress bearing upon this subject, then remaining in force, was the law of 28th February, 1795. By the first section of that act, it is provided, that, in case of invasion, or imminent danger of invasion, "it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger, or scene of action, as he may judge necessary to repel such invasion, and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper." I cannot agree in the opinion, respecting this law, which has just been expressed by the gentleman from Massachusetts, (Mr. DWIGHT,) but will endeavor to present my own views of it.

It is to be remembered that, by the constitution, the President has no power to call forth the militia, in any event whatever. He is to be the Commander-in-Chief of the militia, when in actual service. But to Congress, and Congress alone, belongs the power to provide for calling them forth. The law then might as well have vested this authority in any other tribunal or individual as in the President. Suppose that it had declared that the Supreme Court of the United States should *judge* of the existence and extent of the constitutional exigencies upon which the militia are to be required, and, upon such judgment, should issue their mandate to a militia officer; would it be contended that that court could have constituted an inferior tribunal to form that judgment in their stead, and to issue that mandate? Under this law, the President was only an agent, with defined and delegated powers. And if the principle, that delegated power cannot be again delegated, is ever to be applied, it must be to a case like this, where it was to be exerted upon future contingencies, and a judgment to be formed by the agent upon knowledge to be acquired. It involved the exercise of a most important and delicate discretion. It was strictly fiduciary. The President, then, could not impart this power to others. He could not parcel out the exercise of his discretion, and the forming of his judgment, among a number of inferior officers, and authorize each to judge and to call forth the militia at pleasure. If he could, then the persons so authorized might delegate this power to their inferiors, and these again to others, and so on, without limitation, until the whole militia of the United States might

be at the command of the meanest subaltern in the Army.

Will it be said that I am encroaching upon the powers of the General Government over the militia? I am not. I hold that the power of Congress to provide for calling forth the militia is a complete power; they may exercise it at pleasure. But no officer can call for the militia in any other manner than that which has been provided by law; and, if he attempt to do so, he encroaches upon the powers of Congress, and his call is utterly nugatory. Will it be said that General Dearborn was only the medium, a mere conduit, through which the President acted, and that the requisition was the order of the President, issued upon his own judgment, and not dependent upon any discretion in General Dearborn? Sir, all the documents before us, and the whole history of the proceedings of the United States officers in Massachusetts, show that it was otherwise. The nature of the authority intended to be conferred upon that officer, is clearly shown by the letter from the Secretary of War to the Governor of Massachusetts, dated 12th of June, 1812. It is in these words:

"SIR: I am directed by the President to request your Excellency to order into the service of the United States, *on the requisition of Major-General Dearborn, such part of the quota of the militia of Massachusetts, detached conformably to the act of 10th April, 1812, as he may deem necessary for the defence of the seacoast.*"

This is no present order for the militia, but wholly prospective, and makes the calling for them to depend entirely upon the discretion of the officer, and not upon the judgment of the President. It was written before the war existed, while we were at peace with all the world. It does not, indeed, directly appear, that the President attempted to confer authority on General Dearborn, under the law of 1795; although, perhaps, it may be gathered from the tenor of the documents, that it was contemplated that he should exercise the same general discretionary power under this law as under that of 1812. But, as such a power could not be delegated, General Dearborn could possess no authority to call forth the militia.

Another difficulty has presented itself. The gentleman from Tennessee has told us that no officer of the militia is to be commanded by an inferior officer of the Army of the United States. So says Mr. Monroe, in his letter to a committee of the Senate; so say the rules and articles of war, and every other authority upon the subject. I should like, then, to be informed how the commander-in-chief of the militia of a State is bound to obey the *orders or commands* of a Major-General of the Army of the United States, issued at the will and pleasure of such officer? I put it to the gentleman to answer me. Will he say that such commander-in-chief, with seventy thousand bayonets at his command, and thirteen major-generals under him, is not superior in

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grade to a General in the Army? No one will pretend it. Will he say that the requisition upon the Governor was to be an order to him as a militia officer? Then it was a mere nullity. The only mode provided by Congress was by *an order to an officer of the militia*. And a request for troops, so far as relates to its legal efficacy, might as well be addressed to the priest of a parish, or a proctor in a college, as to the Governor of a State, if it be not an order to him as a militia officer.

Sir, the President never issued his order for the militia of Massachusetts, under the act of 1795; and no constitutional provision was made for her defence by the General Government, after April, 1814. She was compelled to defend herself. After the peace in Europe, the enemy was enabled to bring an immense force upon her extended coast, and she was left to exhaust her own resources in repelling the enemy, and protecting the territory of the United States from invasion. These expenditures are wholly disconnected from all censurable acts and erroneous opinions, and we are solemnly bound to make remuneration for them, as we have done for all similar services in other States.

The gentleman from Tennessee has spoken at large of the conduct of Massachusetts during the war; but, after all his laborious researches, he has found but one instance in which, even by his own construction, there was any want of promptitude in repelling the enemy; and that was the case of the little town of Brewster. He spoke somewhat sneeringly of the contribution levied upon that place; and told us, rather significantly, that if he had been there, he would have met the enemy at the point of the bayonet. Yes, sir, if he had lived in a little village of thirty or forty houses, upon a sandy cape, where three British 74s could, within point blank shot, have poured in their whole batteries, and demolish it at once, he would have stood upon the naked beach and met those 74s at the point of the bayonet! It would have been a most gallant action! The gentleman spoke of that which he did not understand. Had he known the hardy Cape Cod men as well as I do, he would have known that there is not upon this earth a set of men that meet an enemy more fearlessly than they do. Such were the men who achieved your victories upon the Lakes, and upon the Ocean, and suffered in the prisons of Dartmoor; and I envy not the man who can speak of their misfortunes with a sneer.

I am not an apologist for the conduct of Massachusetts during the war. There was much of it which I never did, and never can approve. But I would not be indiscriminate in my censure.

I would not be drawn aside from the subject of the militia, which is now more immediately before us, and of which, for the present, I am content to speak. I have before remarked, that General Dearborn had no power to make any authoritative requisitions for the militia after

the year 1812. But that brave and faithful officer was anxious that the territory and property within his district should be defended, and, for that purpose, he, at different times, requested that troops should be called forth; and, notwithstanding what has been said by the gentleman from Tennessee, every request made upon the Governor of Massachusetts by General Dearborn, or any other officer of the United States, for the purpose of defence, was substantially complied with after 1812. I do not mean that they were answered in form, and the troops always placed under the officers of the United States, but, that the measures desired were actually adopted. There was concert and arrangement between the officers of the General and State Governments in their exertions to defend the soil.

The first requisition made by General Dearborn, after 1812, was on the 8th of July, 1814, and was for eleven hundred men to be called into service, with suitable officers. On the twelfth of the same July, the Governor of Massachusetts ordered his Adjutant-General to comply with that request, which was done, and the troops placed under the command of an officer of the United States.

The next request was on the 12th of August of the same year, when he desired that small detachments should be turned out, as occasion should require, for the defence of the seacoast. This measure was adopted.

On the 5th of September, 1814, General Dearborn requested about four thousand seven hundred men to be called out, and on the 6th of the same September, he suggested the propriety of having all the militia within twenty or thirty miles of the seacoast on the alert, and ready to march at a moment's warning. On the same 6th of September, the Governor called into service more than four thousand seven hundred troops, and ordered the whole militia of the State to be in constant readiness for an instant march.

On the 17th of the same September, General Dearborn made a requisition for twelve hundred men, which was complied with, and the troops placed under his command, in the forts of the United States.

On the 20th September, 1814, pursuant to previous arrangement, eleven hundred men were ordered by the Executive of Massachusetts, to be placed under the command of an officer of the United States, but difficulties arising from the militia, and not from the Government, prevented this arrangement being carried into effect.

On the 22d of the same September, three hundred men were placed under the command of Col. Walbach, of the United States Army, for the defence of Portsmouth, in New Hampshire.

As early as August, 1812, at the request of General Dearborn, three companies were placed under the command of General Boyd, a United States officer, at Eastport.

In the Spring and Summer of 1814 Commodore Bainbridge, then commander of the United

States Navy Yard at Charlestown, made several requests for preparations and aid from the militia, for the defence of the frigate *Constitution*, and the Navy Yard, and for the erection of forts, all which were with such alacrity complied with as to cause expressions of gratification, not only from the Commodore, but from the Secretary of the Navy himself.

On the 1st of July, 1814, the Governor of Massachusetts gave orders to Major-General King, that, whenever application should be made by an authorized officer of the United States, commanding any of the forts of the United States, for aid to defend them against the approach of an enemy, he should comply with the request, and furnish the number of men desired.

I have thus far confined myself to the transactions of the war, and the circumstances attendant upon the services for which compensation is claimed. Since that time, the Government of Massachusetts have unequivocally renounced those erroneous doctrines which are now urged as so formidable an objection to this bill. Here I wish not to be misunderstood. I do not contend that this renunciation gives any new merits to the claim. It must make its way by its own original strength. But the disavowal removes an obstruction presented to the progress of the claim. It is objected, that you will jeopardize the sound construction of the constitution. But those erroneous expositions having been expressly renounced by the State which advanced them, if you allow the claim after and upon such renunciation, you thereby sanction the disavowal, and repudiate those doctrines. The objection is thus effectually obviated.

The principles of this bill are most safe for the National Treasury: for, however great may have been the expenditures of Massachusetts, no more can be paid to her than it must have cost the United States to have provided for her defence. On the other hand, if her measures were more economical than those of the United States, you derive the whole benefit of that economy; and, in point of fact, if the forty-one companies, called for by General Dearborn, had been in service during the two years that the law of 1812 continued in force, it would have cost the United States hundreds of thousands of dollars, and probably more than the whole existing claim. The citizens of Massachusetts and Maine may have suffered by that refusal, but their defence not being adequately provided for; but it will be an immense benefit to the National Treasury, even when the whole demand of Massachusetts, with interest, shall be allowed.

I am constrained, sir, to acknowledge that I came to this inquiry with prepossessions against the claim; but careful investigation has convinced me of its justice; and I cannot doubt, that every gentleman who will give to the subject a thorough examination, will come to the same result. This conviction is strengthened by the fact, that every committee to whom it

has been referred, and there have been not less than three, have reported in favor of the claim; and the late President of the United States, who, of all men in the National Government, had the best means of understanding it, and certainly had no reason to be unduly biassed in its favor, acknowledged its justice, and, by repeated messages to Congress, strongly recommended its payment. I hope, then, that it will not be thought indecorous in me to request gentlemen to come to the consideration of this subject unbiassed, and to discard whatever of prejudice the excitement of past times may have produced: for, prejudice silently and secretly winds its subtle and tenuous web around the mind, until the rays of truth are utterly excluded.

All the errors of Massachusetts have been portrayed in sombre colors, while her merits have been passed by in silence. Even her early sufferings, without which some of those who are now ready to reproach her, would never have breathed the air or lisped the accents of freedom, seems to be almost forgotten. It is not for me to delineate her character; it belongs to other hands. But since all who were citizens of Massachusetts, during the late war, have been visited by indiscriminate denunciations, I trust I may be indulged in saying a few words for that part which now constitutes my own State.

Maine, sir, under all her sufferings, has been, at all times, the firm and undeviating supporter of the cause of our country. Although a great portion of her citizens were dependent upon commerce for their very subsistence, yet, during embargo, restrictions, and war, she beheld her commerce annihilated, her wharves and her shores desolate; her ships, her produce, and her storehouses rotting together, her merchants ruined, her mechanics and sailors reduced from competence to beggary, and misery and want spread through her land—and all without a murmur! She never faltered for a moment; but remained the fearless and unwavering friend of the National Government.

During the war, bordering for more than three hundred miles upon the territories of the enemy, and with nearly the same extent of maritime frontier, indented with innumerable bays and inlets, studded with towns and villages, with millions of shipping in her harbors, when the enemy after the pacification in Europe, was enabled to bring his immense forces upon her shores, and was waging a barbarous warfare, ravaging and making incursions into her territory, when dismay went before him, and desolation followed in his train, she was compelled to meet and stay the enemy alone and unassisted. You sent not a soldier to her relief: nay, her own hardy sons, who had volunteered into your service, were not permitted to remain to defend their own homes and their families, but marched away to the frontiers of New York, to fight the battles of Chippewa and Niagara. Yes, sir, the battles of Chippewa and Niagara! Who composed the ninth regiment,

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*Relief to Florida Indians.*

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which had just been mentioned by the gentleman from Massachusetts, (Mr. DWIGHT,) and which there fought successfully against twice their numbers of British veterans, whilst one-half of their own number had fallen on the field! That regiment was unequalled except by the twenty-first. Yea, the twenty-first! in which fought those, whom Ripley first led from the stubborn soil of Maine; which, when the fate of the battle of Niagara stood suspended, or rather, when it was almost decided against you, turned the tide of war, by a movement so desperate, that the commanding general had not even thought of proposing it to any. But Ripley knew his men, and by his order, under the gallant Miller, they ascended an eminence commanded by all the enemy's artillery, and in the full blaze of their cannon, continued to advance, until they cut down the artillerists at their pieces, and drove the infantry from the position. The British commander, stung to madness by this unexpected defeat, brought, in three successive charges, fresh and redoubled forces, to retake the ground. The conflict was man to man, and bayonet to bayonet—the combatants were commingled—the enemy was beaten. It was a contest which, for obstinate and desperate valor, was unequalled, upon land, during the whole war; and the twenty-first regiment stands unrivalled. And what return has Maine received? Neglect then, and contumely now. At the close of the war, almost all the officers and soldiers from Maine and Massachusetts were coldly turned out of your service. Those who had been "first in the fight" found no room "at the feast." While clouds lowered around us, and the tempest raged, you called upon them to protect you from its fury; but when peace had returned, and all was fair, and calm, and safe, their stern and warlike virtues could be dispensed with. Others found more favor in your eyes; perhaps of more supple form and gayer plumage. I could proceed further in this course of remark, but I am unwilling to do so. It is grating to my feelings to be compelled to speak of my own State; and I should not have done so, had not indiscriminate censure been poured forth upon a people whose fidelity and patriotism have been always conspicuous, in spite of privation, and danger, and neglect, and injury. Maine has done her duty to the utmost; but she has not, like some others, trumpeted her merits. She seeks no rewards. She asks no favors. She demands only equal and impartial justice. And I am confident that justice will not be withheld. Its exercise is enjoined upon you by every consideration of moral right and political expediency. Whilst despots are laboring and combining to prop up their iron thrones, it is our high duty to strengthen and perpetuate our own institutions, as the best service we can render to ourselves and to mankind. To this end, we must on all occasions seek to cement our Union, to bind together all the parts in the bonds of mutual interest, mutual confidence, and mutual af-

fection. One deliberate act of palpable injustice to a State, may chill the warm current of patriotism, and engender distrust and resentment. To adopt the principles which have been advanced in this debate; to punish, stigmatize, and degrade a State, for errors of opinion, must be felt not only as an injury, but as an insult. The wounded spirit will rankle from generation to generation. If you compel the fathers to eat sour grapes, the children's teeth will be set on edge. Reject, then, this novel, this alarming doctrine. Plant not a root of bitterness, which may spring up, and rise, and expand, until it covers and darkens all this fair land.

MONDAY, April 10.

*Relief to Florida Indians.*

On motion of Mr. COCKE, the orders of the day were postponed, in order to take up the bill for the relief of the Florida Indians, and the House went into Committee of the Whole, Mr. LAWRENCE, of Pa., in the chair, on that bill.

Mr. COCKE (Chairman of the Committee on Indian Affairs) said, that before the House proceeded to the subject of the Panama Mission, (which, he presumed, would be taken up presently,) he would ask that the bill for the relief of the Florida Indians might be considered—it would occupy but a short time, and the necessity for passing it was pressing. A part of these Indians being in a state of actual starvation, and committing, from the pressure of want, depredations on the white population in all directions around them; if any thing was to be done for their relief, humanity dictated that it should be done with as little delay as possible.

Mr. DWIGHT said he understood the object of the bill, as avowed by the committee that reported it, to be, to afford immediate relief to the Seminole Indians now on the Peninsula of Florida, who are represented as in a starving condition. He was not aware that it had ever been the policy of this Government to support those tribes of Indians who, by indolence or carelessness, were reduced to distress; but this is a different case; these Indians have been removed, under treaty stipulations, from the good lands in Florida to the barren lands of the peninsula, and left there to famish. By the treaty, if the lands on the peninsula shall prove to be bad and insufficient to sustain these people, we are to set apart other lands in Florida, sufficient for that purpose. He said we are bound, by every principle of humanity and justice, to furnish supplies to them, until we ascertain what land is to be set apart to them according to our contract. He was willing to appropriate money sufficient for that purpose: but he was not prepared to go further. The bill proposed an appropriation for that purpose, and also to pay the expense of removing the Indians west of the Mississippi. He knew of no treaty stipulations to remove these Indians west of the Mississippi, nor of their consenting to such removal, nor



could he perceive the necessary connection between such removal and their present subsistence. The committee had not explained the connection. The question of colonizing the Indians in the Western country, he said, was one of great importance, and was before the House in a distinct shape. He wished to act on that subject directly, it would excite discussion, and be warmly opposed: for himself, he avowed his opposition to the whole scheme. He was unwilling to legislate indirectly upon so important a question, to commit the House, but he thought they should be kept separate—they were improperly blended together. He hoped the amendment proposed by his colleague would prevail.

Mr. HAYDEN wished the sum in the bill to be reduced from fifty thousand dollars to twenty-five thousand dollars; when, on motion of Mr. McLEAN, of Ohio, the bill was laid on the table—*ayes* 86.

#### *Mission to Panama.*

The House having again resumed the consideration of the report of the Committee of Foreign Relations, approving the Mission to Panama, with the amendments proposing a qualification to the general expression of approbation thereof, Mr. HAMILTON addressed the committee as follows:

I undertake to affirm, and to prove as well as affirm, that, if there has been any unreasonable delay in the decision of this measure before the Senate, it is chargeable to the course pursued by the Executive himself; and, if there has been any party excitement, it has been both first felt and provoked by the Administration and its friends. These positions will be best sustained by a brief narrative, *ab ovo*, of the circumstances incident to this measure, from the moment the invitation was tendered to this Government to send Ministers or Representatives to Panama, (call them what you will,) down to the period when the President thought fit to transmit his memorable Message to this House, asking for an appropriation to carry the purposes of the mission into effect.

I shall, in this narrative, appeal to no other source than to the facts disclosed by the documents published by the authority of the Senate, which have been laid on our tables, and, therefore, are now a part of the *res gesta* of this whole subject.

It will be recollected, that, although verbal conferences were held by the Secretary of State with the Ministers of Colombia and Mexico, at the Department of State, during the last Spring, it was on the 2d of November that Mr. Salazar and Mr. Obregon, the Plenipotentiaries from these powers, gave a written invitation to our Government to unite in the deliberations at the Isthmus. It was on the 30th of November, nearly one month after, before this invitation was accepted, notwithstanding the precious and exigent relation which it is alleged to bear to our interests. This was about six days prior to the meeting of Congress, when the President

informs the South American Ministers "that, should the Senate of the United States, now expected to assemble in a few days, give their advice and consent that commissioners would be sent," &c. Now here was delay, and something worse. If the President had sincerely desired to avail himself of the *advice*, and be influenced by the *consent* of the Senate, as it was to assemble in five or six days, would he have embarrassed this body by a preliminary acceptance, however qualified? Would he not have presented the measure, as his predecessor did the question of the recognition of the independence of the South American Republics, free from all commitment whatsoever? But for the present, let this pass.

On the meeting of Congress, the only notice which the Executive thought proper to take of this mission, was very unceremoniously to inform us, that the invitation given to this Government to become parties to the Congress had been accepted, and that Ministers "would be commissioned to take part in those deliberations." There was something even here so extraordinary in the phraseology employed, that this part of the Message was the fruitful occasion of much verbal criticism, and curious speculation, as to the amount of constitutional power which the President seemed disposed to assert for himself. Nor was the import of this doubtful assumption fully explained, until the President's confidential Message of the 26th of December, to the Senate, revealed the astounding fact, that the power of sending Ministers to this Congress, without the intervention or sanction of the Senate, was declared to be "within the constitutional competency of the Executive."

Mr. HAMILTON said he would not break the continuity of his narrative by stopping to argue this unexpected and untenable dogma. He would content himself by remarking, that the President, in the abstract extension of his powers, seemed to have overlooked entirely the distinction between Ministers or Plenipotentiaries under the constitution, endowed with the exercise of certain prerogatives, and mere agents appointed to collect information. It is sufficient for present purposes, however, to say, that it is by no means improbable, that, from the 6th to the 26th December, it was one of the points of political casuistry and constitutional doctrine, most anxiously mooted in the cabinet, to decide whether any appeal was at all necessary to an assembly likely to prove so stubborn and so disloyal as the Senate of the United States. But so it is, that, for twenty days, this measure was delayed by the Executive in his own hands; and, at length, on the 26th, his Message was transmitted to the Senate, accompanied, literally, by no *authentic information*, satisfactorily defining the character, specifying the objects, and unfolding the advantages likely to ensue from our uniting in the deliberations of this South American Congress.

All the documents which accompanied this Message at that time, were the letters of the

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Ministers of Colombia, Mexico, and Central America, giving the invitation, and these not in any degree satisfying those preliminary conditions which the President himself had alleged were necessary to its acceptance.

On the 4th of January, immediately on the termination of the holidays, the Senate took the subject up, with every apparent desire to give it a prompt consideration. Accordingly, it would seem from their journals, that, on that day, a resolution was passed, calling on the Executive for copies of the conventions concluded between Mexico and the different South American Republics, with each other, in relation to the proposed assembly at the Isthmus, and, likewise, for such other information as might be in the possession of the President, tending to show the character and object of the Congress.

To this call the President did not respond until the 9th of January; he then sent the conventions required, and a series of letters from Mr. Clay to Mr. Middleton, from the latter to the former, and a correspondence between the Department of State and Mr. Poinsett, with sundry letters from Mr. Poinsett to the Mexican, as well as to his own Government.

The committee will bear in mind, that the conventions which were then, for the first time, communicated, contain the only authentic exposition of the understanding of the real parties, of the objects of the contemplated Congress. Yet the President wished sincerely, freely, and fully, to consult with the Senate!

But this is not all. In the series of letters communicated, those to and from Mr. Middleton were calculated to produce an impression on the Senate, that a pacification between Spain and her once American colonies was a probable event. No impression was certainly better calculated to remove all objections to the mission than this, because our neutrality, in such a contingency, could not, in any degree, be implicated or involved, by being parties to the Congress. The Senate was permitted to remain under this impression until the 30th of January, when a resolution was offered in that body, calling on the President for the correspondence between our Minister in Spain (Mr. Everett) with his own and that Government. This call extracted the letter of Mr. Everett, which contained the direct and positive information that there existed no probability of the King of Spain's acknowledging the independence of his former American dominions; and that, without any other resources than those of hope and religious faith, he stood immovably on his right.

Here, to use the mildest term, was kept back, until extorted by an explicit call, information of the most material character. The fact itself was well fitted to produce not only delay, but distrust on the part of the Senate.

It was at this time the friends of the Administration, both here and in their faithful prints at a distance, opened in the loudest note of denunciation against a *factions* delay on the part of that body. It will be recollected that the

Senate were seemingly even threatened with an appeal to this House, by the triumphant passage of a resolution which I had laid on the table, which was applied to a purpose different indeed from the object for which it was originally designed. Immediately after this measure, which was zealously pressed by the friends of the Administration, the Senate, desirous, as we may infer, as a strict matter of right, should the President make his "*factions*" appeal to the people, through this House, that their own justification might accompany it, passed the following resolve on the 15th February:

"Resolved, That the President be respectfully requested to inform the Senate whether such objection exists to the publication of the documents communicated by the Executive, or any portion of them; and, if so, to specify the parts, the publication of which would, for that reason, be objectionable."

To this respectful application they received the caustic rebuke contained in the President's reply of the 17th, in which he says—

"Believing that the established usage of free confidential communications between the Executive and the Senate ought, for the public interest, to be preserved unimpaired, I deem it my indispensable duty to leave to the Senate itself the decision of a question, involving a departure, hitherto, so far as I am informed, without example, from that usage, and upon the motives for which, not being informed of them, I do not feel myself competent to decide."

Now, mark the sequel. When the mission was finally passed in the Senate, by a slender majority of five votes, the President transmitted with his Message of the 17th March, to this House—to his faithful Commons—documents of the very same import, the publication of which he had prohibited to that disloyal body, which had presumed to question the wisdom of his measure. From this fact but one inference is to be deduced: that this party manœuvre of the Executive was for the purpose of obtaining the first word with the people, through the medium of an imposing appeal heralded by this House, whilst those whom he had assailed should be quietly locked up "*under the established usage of free and confidential communications between the Executive and the Senate.*"

Let these facts, then, determine on whom the charge of unreasonable delay and party effort, in relation to this mission, most properly belongs.

The next proposition, which the President labors with a zeal not indeed disproportioned to the difficulty of his task, is to prove that our uniting in the deliberations of the Congress at Panama, does not necessarily import an alliance with the powers there to be assembled. He was fully aware that the language held by the Secretary of State to Ministers, went the whole length of establishing such an alliance, (existing *now*, in point of fact, as far as the power and faith of the Executive can give it authority and sanction,) and that, therefore, this was a point on which all the ingenuity of the spe-

dial pleading of diplomacy was required. I said, an alliance now exists, in point of fact. Yes, sir, I aver it. That is to say, if the Executive of the country has the constitutional power to conclude such a convention, without the sanction of the Congress of the United States. But, thank God, he has not. The fact, nevertheless, shows how dangerously he has pawned the good faith of the country, to redeem or sanction which, depend upon it, forms the primary motive with the Administration, that our assent should be obtained to this extraordinary mission. Now for the fact. The declaration of Mr. Monroe, in his Message of December, 1823, is made the basis of this *quoad* alliance, in virtue of which the President, on his own authority, has thought proper to make certain declaratory engagements with the South American powers, to give to which the forms of a solemn league is, without doubt, the chief inducements with those States, that we should go into the Congress at Panama. This declaration of Mr. Monroe (which has been most unjustifiably termed by the Administration a pledge, and, by their subsequent commentaries on it, converted into one) is the mere avowal of an opinion—neither importing, towards others, an obligation, nor even to ourselves. What is it? Why, sir, a declaration that “we owe it to candor, and to the amicable relations subsisting between the United States and those powers (European) to declare, that we should consider any attempt to extend their system to any portion of this hemisphere, as dangerous to our peace, our safety.” On this affirmation of an opinion, the present Administration have not only made it the basis of our negotiations with the South American Republics, but as a leading consideration by which valuable treaty equivalents and concessions are to be obtained. The construction they put on this declaration in these negotiations, is, that, if any European power should attempt a colonization of any portion of the continent of America, or take part with Spain in the contest between her and her former colonies—in that event, we are to become their allies, and bear the brunt of the contest. Need I appeal to the authority which was given to Mr. Poinsett to hold this language, by its subsequent entire sanction by the Administration, to show, conclusively, that this alliance, *quoad*, does exist, as far as the President has authority to make it? Need I refer to the documents to demonstrate, that, as a legitimate consequence of this declaration, expressly quoted, the President has also entered into a conventional alliance with the South American States, to prevent the transfer or conquest of Cuba and Porto Rico to any European power? But, sir, when the Senate, by the accumulation of all these alarming circumstances, were able to establish the fact, in their discussions, that the only purpose for which we were wanted at Panama, by the South American States, was, under the plea “of making effectual the mem-

orable pledge of the late President,” to induce us to give the parchment and wax to this league, offensive and defensive; the President, convinced of this deplorable commitment, and aware of this dilemma, in making his appearance in our House on this topic, made such a qualification of the whole matter, as suited the exigency of the argument, but which, at the same time, was in direct opposition to the solemn engagements he had authorized our Minister to make. And, after (as the documents disclose) he has authorized his Minister to use Mr. Monroe's declaration as a pledge, amounting to the essence of a treaty of alliance, offensive and defensive, he says to us, that “should it be deemed advisable to contract any conventional engagement on this topic, our views would extend no further than to a mutual pledge of the parties to the compact, to maintain the principle in application to *its own territory*, and to permit no *colonial lodgements* or establishment of European jurisdiction upon *its own soil*; and, with respect to the obtrusive interference from abroad, if its future character may be inferred from that which has been, and, perhaps, still is, exercised in more than one of the new States, a *joint declaration of its character*, and exposure of it to the world, may be, probably, *all* that the occasion would require.”

From this language, it now appears, that we are to go to Panama, for the purpose of making a declaration, that, “*in application* to our own territory, we will permit no colonization, on the part of any foreign power.” To what contempt will this miserable retreat, after our blustering, subject us, not only in the opinion of the South American Republics, but in the eyes of all Europe! to say nothing of the humiliating aspect which it presents of our entering into “a joint declaration” with other States, that our territory shall not be violated, our rights assailed, or honor invaded, by a foreign power. This, sir, is equally honorable, and precisely analogous, to a man's entering into a joint bond, with good and sufficient securities, not to be cuffed and kicked with impunity.

The next topics which claim the notice of the President, in his Message to this House, are those which must excite an especial interest with such of us, Mr. Chairman, as represent a certain portion of our common Union on this floor—a section with which I am content and proud to sink or swim. I allude, sir, to what he is pleased to say in regard to the slave trade; our relations, present or prospective, with Hayti; and our policy in regard to the islands of Cuba and Porto Rico. On the first of these subjects he informs us:

“A concert of measures, having reference to the more effectual abolition of the African slave trade, and the consideration of the light in which the political condition of the island of Hayti is to be regarded, are also among the subjects mentioned by the Minister from the Republic of Colombia, as believed to be suitable for deliberation at the Congress.”

APRIL, 1836.]

Mission to Panama.

[H. OF R.]

In reference to the first point, what I have to say shall be included in a single sentence. That the President has been a very unadvised, or a very uninstructed spectator of the events passing under his own official agency, if he does not know that, on the subject of the slave trade, the position which the United States has taken, is the result of full consideration and advisement. Public opinion, sustained by legislative sanctions, has declared that we will not permit our own laws, affecting our own citizens, to be executed by an alien power; and, under no modification, will we concede the right of search. On these principles, we have nailed our colors to the mast. Then why enter into a "concert of measures," when, as far as we are concerned, we have discharged all the obligations which belong to a civilized nation, in abolishing this traffic—in which we have practically done more than all the rest of the world put together. That the topic is unsuitable "for deliberation," the President might, we suppose, have learnt, from the fate of the articles in the treaties he concluded with Great Britain and Colombia, the rejection of which only subjected us to suspicion and reproach. It is entirely obvious, that, on this subject, we have no interest which invokes us to Panama.

But what, sir, does he say, on the other portentous theme? As tedious as the reading of these documents may be, my anxieties are too keenly excited to allow me to omit bringing to your view the strange and equivocal language which the Executive holds on this subject, after having previously declared that "the light in which the political"—mark you, *political*—"condition of Hayti is to be regarded," will be a suitable subject for deliberation, in reference to a concert of measures between the Spanish American Republics and ourselves. Hear what he says:

"Whether the political condition of the island of Hayti shall be brought at all into discussion at the meeting, may be a question for preliminary advisement. There are in the political constitution of Government, of that people, circumstances which have hitherto forbidden the acknowledgment of them, by the Government of the United States, as sovereign and independent. Additional reasons for withholding that acknowledgment, have recently been seen, in their acceptance of a nominal sovereignty, by the grant of a foreign Prince, under conditions equivalent to the concession by them, of exclusive commercial advantages to one nation, adapted altogether to the state of colonial vassalage, and retaining little of independence but the name. Our Plenipotentiaries will be instructed to present these views to the assembly at Panama; and should they not be concurred in, to decline acceding to any arrangement which may be proposed upon different principles."

The President has, no doubt, thrown the subject, in the form in which he has thus presented it to this House, after the mysticism in which it was veiled to the Senate, to quiet

the feelings of the South, which have been sensibly excited, by the fact of this proposition, and by the language the Colombian Minister has employed in relation to it. But I object, *in limine*, to the grounds on which the President puts our eventual acquiescence in any consultations on this topic, as founded in radical and pernicious error.

In the first place, our policy may be considered as fixed, in regard to our relations with the island of Hayti. Such portions of the Union as have an interest in commercial intercourse with it, may enjoy these benefits; but the point I consider as settled, is, that we have no political or diplomatic relations with its Government; and that, in no shape whatsoever, should we acknowledge its independence. This last is a point of such eminent policy, in relation to the peace and safety of a large number of the States of this Union, that it excites no small misgivings, to find that the President is willing to go into a foreign Congress, to treat on this vital and alarming question to our security and repose, even as a matter of "preliminary advisement."

Now, let us see by what guards the President proposes to protect our interests. He says: "Whether the political condition of Hayti shall be brought at all into discussion at the meeting, may be a question for preliminary advisement." Now, what does Mr. Salazar say? "That this question will be determined at the isthmus." The President says, "that additional reasons for withholding the acknowledgment of their independence, have been recently seen, in their acceptance of a nominal sovereignty, by the grant of a foreign prince." Whereas, Mr. Salazar says: "The descendants of this portion of the globe (the people of Hayti) have succeeded in founding an independent republic, whose Government is now recognized by its ancient metropolis."

So far, the Colombian Minister, in disclosing the objects for which we should go into the Congress of Panama, in regard to this subject, is at points with our Executive.

The President, however, declares that our Plenipotentiaries will be instructed to present these views to the Assembly at Panama; and should they not be concurred in, to decline acceding to any arrangement which may be proposed, on different principles. What views? Why, not a solemn protest against our concurring in any plan of recognition whatsoever; but that, as Hayti is not sufficiently potent and formidable, from an entire and unequivocal recognition of its independence, on the part of France, this recognition should be temporarily withheld by us. Now, sir, the very contingency which is implied from the President's own words, as the condition necessary for our concurrence in any arrangement for recognition, is the one most alarming to the interests of the people of the South. If this Republic is not in a state of colonial vassalage, its next best condition, for our safety, is one of "nom-

inal sovereignty, even by the grant of a foreign prince." But the Colombian Minister invites us into the Congress, expressly to establish "a uniform rule of conduct," in regard to this island.

Thus it is, that we, who have a settled and exclusive policy, in regard to this island, are to unite in the deliberations of an assembly composed of the deputies of Republics which have collocated with all colors and complexions, in the consummation of their revolution; on a subject, too, in which their interest is at variance with our own, and in which they can hold no common sympathies with ourselves. Short-sighted, indeed, must be the policy, or mischievous the design, of this project: for, if we assent, in the Congress of Panama, to a recognition, however qualified, it shakes the South to its centre; and if we reject the proposition for the establishment of this uniform rule, involving this recognition, we only excite the hostility of Hayti, and the jealousy and distrust of those with whom we are acting.

The next advantage on which the President dwells, as having furnished an urgent consideration for his acceptance of the invitation to Panama, is the probability that our councils may be beneficially exercised in that assembly, in securing in peace and tranquillity the existing state of things in the islands of Cuba and Porto Rico.

Sir, this is a matter of grave moment, deeply interesting to the people of this Union—particularly so to the southern portion of it. But what will the country say, when the documents accompanying the President's Message, in which he assures us that, at the Congress in question, "all our efforts will be to preserve the existing state of things in tranquillity, at Cuba and Porto Rico," clearly prove that the Government of this country has, by the contradictions and entanglements of their diplomacy, relinquished every pretext for interference, by surrendering to the South American Republics the whole argument, by which alone our right to interfere could be sustained? Here I wish to rely upon facts, not upon inferences. The committee must, therefore, excuse my troubling them with certain highly important selections from the documents. And, lest I should do the President injustice, let me give you what he says, in his own words:

"The condition of the islands of Cuba and Porto Rico is of deeper import, and of more immediate bearing, upon the present interests and future prospects of our Union. The correspondence herewith transmitted, will show how earnestly it has engaged the attention of this Government. The invasion of both those islands, by the united forces of Mexico and Colombia, is avowedly among the objects to be matured by the belligerent States, at Panama. The convulsions to which, from the peculiar composition of their population, they would be liable, in the event of such an invasion, and the danger therefrom resulting, of their falling, ultimately, into the hands of some European power other than Spain, will not admit of our looking at the consequences

to which the Congress at Panama may lead, with indifference. It is unnecessary to enlarge upon this topic; to say more, than that all our efforts, in reference to this interest, will be to preserve the existing state of things, the tranquillity of the islands, and the peace and security of their inhabitants."

The conclusion would very naturally follow, from these declarations, that all the measures of the Administration had been directed to prevent these islands from falling into the possession of Mexico or Colombia, or both; that a firm protest had been made to their Ministers here, and that our Ministers at these Republics had been instructed to deliver an equally unequivocal remonstrance against their touching the soil of these islands; that a squadron had been ordered and detached, to watch the movements of these powers, in regard to these objects; and, whilst our language had been firm and candid, our measures had been consistent and provident.

But, alas! how stands the argument? In what posture are we placed? Why, the Secretary of State, under the authority of the President, as recently as the 26th of December, in his letter to Mr. Middleton, surrenders this whole subject at discretion, by holding this extraordinary language, and by making this extraordinary concession. He says:

"For ourselves, we desire no change in the possession of Cuba, as has been heretofore stated. We cannot allow a transfer of the island to any European power. But, if Spain should refuse to conclude a peace, and obstinately resolve on continuing the war, although we do not desire that either Colombia or Mexico should acquire the island of Cuba, the President cannot see any justifiable ground on which we can forcibly interfere. Upon the hypothesis of an unnecessary protraction of the war, imputable to Spain, it is evident that Cuba will be her only point d'appui, in this hemisphere. How can we interpose, on that supposition, against the party clearly having right on his side, in order to restrain or defeat a lawful operation of war?"

And, by anticipation, lest the validity of this concession might be drawn in question, our Government seems to have sought the humiliating office of asking one of the South American Ministers to write home to his Government, to induce it to suspend, for a limited time, the sailing of the expedition against Cuba or Porto Rico, "until the result of the mediation of Russia (which we had solicited) with Spain, to procure from her a recognition of the independence of her former colonies, should be known." In proof of this fact, I refer to Mr. Clay's letter, of the 20th December, to Mr. Salazar. By the form and limitation of this very request, it would thus seem, we had admitted that, as soon as the fact was ascertained that the mediation of Russia was either refused or of no effect, then Mexico and Colombia might take Cuba, as "we should have no justifiable ground on which we can forcibly interfere against a party clearly having the right on

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his side." These facts form the best commentary on the declaration of the President, "of how earnestly it has engaged the attention of this Government" that these islands should remain in their existing situation.

Is it not, therefore, a mockery, for the Administration to avow, that they send deputies to the Congress of Panama to prevent the Republics of Colombia and Mexico from invading the islands of Cuba and Porto Rico, when they have surrendered, in the face of the whole world, all right to pretext for such interference? If our Representatives should have the hardihood to say one syllable on this subject, might not the authority of the President be quoted against ourselves? But the most extraordinary feature in the whole transaction is, that, whilst we have placed ourselves in a situation by which the President, on the faith of his own words, is forbid to interfere to prevent the invasion of these islands by the Mexican and South American Republics, he has made a solemn declaration to Europe, and entered into a formal stipulation with Mexico, not to allow the occupation of Cuba and Porto Rico "by any European power other than Spain, in any contingency whatever."

The declaration is explicit. Let us see if I can have mistaken its import. Mr. Clay, in his letter to our Minister at Paris, (Mr. Brown,) authorizes him to declare to the French Government, "in the same spirit, and with the same hope of guarding, beforehand, against any possible difficulties on that subject, that may arise, you will now add, *that we could not consent* to the occupation of those islands by any other European power than Spain, under any contingency whatever." This contract to go to war, in this contingency, had a further sanction and binding efficacy given to it, as will appear from Mr. Clay's letter to Mr. Poinsett, of the 9th of November, in which he observes: "No longer than about three months ago, when an invasion by France, of the island of Cuba, was believed at Mexico, the United Mexican Government promptly called upon the Government of the United States, through you, to fulfil the memorable pledge of the President of the United States, in his Message to Congress, of December, 1823. What they would have done, had the contingency happened, may be inferred from a despatch to the American Minister at Paris, a copy of which is herewith sent, which you are authorized to read to the Plenipotentiaries of the United Mexican States." This stipulation, it will be recollected, was to be urged as an effective consideration, by which valuable commercial equivalents were to be obtained.

I will not stop here to inquire into the right, according to the spirit of the constitution, of the President to make contracts *in futuro* with any power to go to war; because the doctrine is too absurd and mischievous to deserve a moment's notice. My object is a different one: to show that this Administration, in its anxiety

to preserve the existing state of things in Cuba and Porto Rico, has given up the right to interfere in the only contingency of probable and enormous danger that is likely to occur, and undertaken, by a strong guarantee, to go to war in a contingency of infinitely less danger, to wit: to prevent the transfer of these islands to "any European power whatever."

Now, sir, let us consider for a moment the first contingency, in which we have abandoned all right or pretext of interference, to wit: to prevent the South American powers from invading Cuba and Porto Rico. The invasion of these islands by these powers, involves such an amount of peril to the interests of this country, that it appears to me this is the only condition of things in regard to which it would, under the law of a supreme necessity, justify our interference to prevent it. I speak this, sir, in reference to the safety of three or four slaveholding States, on the borders or contiguous to the Gulf of Mexico. The invasion of Cuba, by the South American States, would at once lead to a revolution, followed by a servile revolt in that island. Marching under the banners of universal emancipation, as these South American Republics do, the first means of success would be an appeal to the slaves themselves, which in producing an internal concussion in that island, would inflict on our southern country an example of the darkest and most perilous aspect; to say nothing of the great danger to our commerce and naval power, of permitting a youthful and ambitious Republic permanently to possess that Gibraltar of the Gulf of Mexico. These circumstances make up an aggregate of peril and evil, to avert which would justify "our right forcibly to interfere," whilst it fixes on the Government a sacred obligation to a portion of our common country, to prevent the shocking and successful example of a revolt, purchased through blood, havoc, and desolation, in their most atrocious forms, from being enacted almost within sight of our shores.

Now, sir, whilst I freely admit that the possession of Cuba and Porto Rico, by any European power other than Spain, is very much to be deprecated, and ought to be prevented by every effort of diplomacy, yet I am far from regarding such a contingency as involving that degree of danger, which, upon the principle of the *se defendendo* among nations, would authorize our going to war to avert. I do not know on what principle, either of violent or overwhelming danger, we could place the right to interfere; or rather, on what principle we could deny to Spain the right of transferring, for a valuable consideration, a part and parcel of her own domain. Suppose, sir, in payment for the vast, incalculable services of the British army, in the Peninsula war, she were to cede Cuba to England, with what face could we gainsay this exercise of right on the part of Spain, when, in payment of less obligatory claims, she sold Florida to us? But, suppose

such an event consummated, does any man believe that the people of this country, as inconvenient as might be the occupation of Cuba by England, would go to war with that power to make her surrender this cession? Do you believe that we should go into this bootless contest, in which we would spend, in a four years' war, more than the *fee simple* of Cuba would be worth, and "more blood than would turn the wheel of a common grist mill for a twelve-month," to prevent what, after all, we should be as far from attaining as when we began the struggle?

No, sir, the sobriety and good sense of this people would revolt at the redemption of such an inconsiderate pledge, made in a case involving far less evil to the country than in the one in which all right to go to war has been abandoned. I say, boldly, far less evil; because, although the possession of Cuba, by Great Britain or France, is much to be deprecated, as I have said before, yet, if this island was transferred to either of them, it would be attended with no violent concussion—there would start up no sanguinary and hideous anarchy, under the prostituted name of a Republic, to annoy and keep in perpetual alarm that portion of this Union most vitally interested in this question. Either European power would have the naval and military means to coerce the brigands and blacks into peace and submission. On the other hand, in the contingency (according to the views of the Administration) where we cannot justifiably interfere to prevent the invasion of the island by the South American powers—revolution or servile revolt would be the means of rendering that invasion successful; and, in the end, we should have either a second Carthage at our door, in the possession of Mexico or Colombia, or a second Hayti, to cast the shadow of its ominous gloom over our shores.

Thus has our sagacious Cabinet negotiated—so fatally, that, in the event of this portentous calamity, we are precluded by the position they have taken, of urging, except by the most flagrant inconsistency, those arguments which a nation may deduce from an eminent necessity, and urge, by force of arms, if all other appeals should fail.

The conclusion to which I arrive is, that, as we cannot go into the Congress at Panama, and take that ground which our safety and interests require, without an abandonment of the repeated declarations which we have made, we had better stay away, and act independently of the deliberations of the Congress, as our interests may dictate.

The missionary spirit of the age has indeed broken out in a new place. We have hitherto been content with the easy labors of turning the Asiatic from his superstition, and the African from his false idols; but it seems, under the auspices of the President, we are to embark in a much more practicable enterprise—to roll back the light of the Gospel to the children of

those who watched its early and beacon fire, and to these vigils for their preservation these descendants yet lay claim. The President seems to have read to little purpose the inimitable satire on such dreams as this, the Tale of a Tub; of which it is not the least of its praises to say, that its large fund of common sense is equal to its wit. In a word, sir, instead of going to Panama to read our Catholic friends a homily on religion, had we not better stay at home and practise its precepts?

Now, sir, I ask you whether the President "has been mindful of the advice of Washington?" Has not a political connection, in relation to the abused and misquoted declaration of Mr. Monroe, been made the basis of an attempted or projected alliance—between foreign nations and ourselves—on the subject of the colonization of any portion of the territory of this continent? Has not the President perverted the spirit and meaning of the advice of Washington, by making that advice entirely applicable to Europe? Have not the Spanish American Republics "primary interests, which to us have none, or a very remote relation?" "And is not this very contest they are carrying on with the mother country of this character?" Are we not, in going into the Congress, hazarding our neutrality? Are we not about to "forego the advantages of so peculiar a situation?" Are we not about "to stand on foreign ground?" And when Washington referred to European alliances, was it not to illustrate the principles of our foreign relations, rather than to limit them to the powers of Europe? Do not his maxims, in reference to this policy, stand broadly and distinctly applicable to the whole world? Does not "our detached and distant situation" to a majority of these Republics, leave us free to elect our course? Sir, said Mr. H., (holding up the address,) from this book I defy contradiction. But mark the mode by which the President arrives at his conclusion! He asserts, "that the period which Washington predicted as then not far off, has arrived," and that *America* has a set of primary interests of her own. General Washington makes no such prediction in regard to *America*, in the sense in which the President uses this term, comprehending, as he does, within it, the different powers inhabiting this continent. No, sir, Washington expressly refers to ourselves—to these United States—that, from our growth as one people, under an efficient Government, we may defy external annoyance, and cause our neutrality to be respected. He nowhere implies that when we do become thus strong, we may go abroad and form foreign alliances, and reverse all those maxims of policy which it was the purpose of the address so strongly to inculcate.

It is thus, Mr. Chairman, that the President, perfectly aware of the radical unsoundness of this mission to Panama, has, by the most violent and contortious efforts, endeavored to sustain himself, by resorting to the authority of

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others; and hence it is, he informs us that the policy of the mission is not only conformable "to the counsel of Washington," but "to the views of my immediate predecessor, as declared in his annual Message to Congress, in 1823." I will not repeat this declaration of Mr. Monroe, because it is entirely familiar to the mind of every one who hears me; but if, from any part of it, an intimation can be deduced, favorable to this specific measure, I can only say, our vernacular must be read with a very different meaning, and in a very different sense, from that in which we are in the habit of using it. To test the justness of this deduction of the President, let it be remembered, that the declaration of Mr. Monroe was made at a time when the Holy Alliance was supposed to be engaged in concerting combined operations to aid Spain in the recovery of her colonies. At this period of probable and imminent danger, (to what, in the cant of the day, is called the "American system,") did Mr. Monroe propose that we should unite in the deliberations of a Congress, or of our forming an alliance to resist this peril? No; he contented himself with declaring, that "we should consider any attempt on the part of the European powers to extend their system to any portion of this hemisphere, as dangerous to our peace and safety"—which does not contain a solitary obligation towards other powers, or even to ourselves; it is the mere expression of a sentiment which could have left us free to act, when the contingency happened, as would best comport with the interests of the country. But mark the difference in the course pursued by Mr. Adams. At a moment when it is conceded on all hands that the Holy Alliance has abandoned all intention to aid Spain in resubjugating South America, he, nevertheless, accepts this invitation to participate in the counsels of a belligerent Congress, and deduces it as a legitimate consequence from this much-abused declaration!

Mr. Monroe, sir, has gone into retirement, and has carried with him the sympathy and gratitude of his country. This effort to throw on him a portion of the responsibility of this weak and indefensible measure, and the embarrassments into which our foreign negotiations are now involved, betrays a want of magnanimity equal to the poor thriftless fallacy with which the position has been attempted to be sustained.

Sir, this whole scheme of quitting "our own, to stand on foreign ground," is opposed to the settled policy of the country, from the time of General Washington, as indicated by his firmness in resisting those obligations which were attempted to be raised out of an indiscreet treaty of alliance and friendship with France, down to the last moments of the last Administration—except in an effort made by the senior Mr. Adams, in 1798, to indulge in foreign negotiations, having ultimate tendencies to entangling alliances. This scheme was then met by the Republicans of that day, as the

Republicans of this time have felt it their duty to oppose this deviation from the Washington policy. It is to the research of a gentleman from New York, in the other House, (Mr. VAN BUREN,) we are indebted for this precious discovery, who, with admirable perspicacity, has perceived the remarkable coincidence between the two measures, and the verisimilitude in the arguments by which both were recommended by the father and son, and both resisted by nearly analogous reasons by the Republicans of that day, as well as those of this—by those who were destined to be the pillars of the Democratic party of this country. The Senator from New York has not only achieved a signal benefit to those of us who yet belong to the Jeffersonian faith, by this discovery, but made it subservient to the purposes of one of the most triumphant arguments I have ever read. The *moral* is pregnant with instruction; the *omen* replete with hope.

The policy of Washington was the policy of Jefferson, Madison, and Monroe—a policy in which Mr. Adams concurred during the whole period of his service, in the Cabinet of the latter, in the Department of State. He never seemed to permit so weak a thing as sympathy to interfere with his cautious maxims as a statesman. We all know how resolutely he sustained the gallant assaults of his present Secretary of State, in this House, in behalf of South American independence. He was not to be moved by the pathos or the sarcasms of the Western orator; but he stood with the coldness of the effigy of Justice, weighing in a pair of scales the exact quantum of danger to a hair, attending this recognition; and it was not until he got this danger down to a feather, that he would listen to the measure. Even on a more recent occasion, we have seen that all the associations of the literature and taste of antiquity betrayed him into no warmth in favor of the Greeks—not even under the eloquent appeal of the gentleman from Massachusetts, (Mr. WEBSTER,)—for Mr. Adams, in reply to the letter of Luriettis, the Greek Agent, was as cold as a personification, in alabaster, of the Genius of Discretion itself. But, suddenly, (since an election produced by the memorable coalition, which has put him on the throne,) he has become inoculated with "this Spanish American fever," as it has been justly called, and he is already far gone in the delirium of that enthusiasm which belongs to the ascendant genius of his Cabinet. Yes, sir, he has started from a caution as cold as marble, into the vernal fervors of love, at first sight, for the South Americans, without allowing sufficient time for the change, except by the intervention of a miracle. And with this mutation, what a reversal has there been in the whole foreign policy of the country! Let the documents on your table speak to this fact. I will venture to assert, that, from the 4th day of March, 1825, (I mean the fatal *ides* of March,) there has been a greater interference in the concerns of



other nations—a more studious search for the occasion of perilous distinction—greater commitments of the national safety and honor—than have characterized any anterior period of our history, from the adoption of the Federal Constitution down to the present time. We have become, at the exclusive will of the President, the arbitrator of the New World, and, in that character, have sent bullying protests to the old. The Cabinet has, in our name, made two solemn contracts, to go to war in two contingencies, without, “as a matter of *preliminary advisement*,” even condescending to consult us; and we find, in the first eight months of the halcyon days of a new and confederate dynasty, the sober policy of our fathers, which was “a lamp to our feet,” has gone out, and a blustering officiousness in the concerns of others, substituted in its stead.

TUESDAY, April 11.

*Supply of Provisions to Florida Indians.*

On motion of Mr. McLEAN, of Ohio, the House proceeded to consider the bill for the relief of the Florida Indians, (as amended, so as to be confined to their relief merely, and not extended to their removal.)

Mr. McLEAN moved to amend the bill by striking out \$50,000 and inserting \$20,000.

In support of this motion, Mr. McLEAN stated that he had consulted the Secretary of War, who informed him that this sum would be sufficient to relieve the present exigencies of these Indians.

After some explanations by Mr. COCKE,

The amendment was adopted.

Mr. VINTON, after some opposition, moved to lay the bill on the table, but withdrew his motion; and the debate of yesterday was renewed, and continued for about an hour, on the same general grounds. The bill was advocated by Messrs. McLEAN, COOK, WHITE, and LIVINGSTON; and opposed by Messrs. VINTON and STEWART.

Mr. STEWART said he felt as much as any gentleman could feel, for the destitute and suffering condition of these Indians. Provision, however, he thought, might be made for them out of the Indian contingent fund of \$95,000, without this special act for their relief. He had several objections to this bill. The first was on account of the precedent which it would establish. If we thus admit the right of all the Indians who may be in a destitute and suffering condition, to call upon Congress for relief, our treasury will be inadequate to the demand. The poor and needy of all the States and Territories of this Union had certainly as strong a claim upon our charity and sympathies as the Indians, (and God knows we have enough such,) and should they also come, can we reject their applications, while we deal out from their treasury with a liberal hand, to strangers and Indians? The amount in the bill was nothing. It was the *precedent* to which

he objected. All the Indians had equal claims. All had been alike deprived of their land, and by like means, and of course their claims were alike well-founded. So much for the precedent.

But he had another objection. It was, that this policy would have an injurious effect upon the habits of the Indians themselves. If being poor and destitute is a sufficient reason for applying to Congress for relief, they will all soon become poor and destitute. They have ingenuity enough to make a plausible story, and if they have not, they can easily procure the aid of those who have, and should that fail, they will abandon all efforts to provide for themselves, and thus soon bring themselves within the rule.

But a still more serious objection to this measure than its effect upon the treasury, or its effect upon the Indians, was, that the constitution had given Congress no power to make the treasury a charity-box. If we wish to indulge our feelings of charity or kindness to Indians, or anybody else, we must look to our own pockets, we must go to our own “corn cribs,” and not to the treasury; that belonged to the people, who filled it by their contributions, and not to us, except to carry into effect the objects and powers indicated in the constitution itself. The rule which regulated the power of appropriation was a plain and simple one. The constitution had vested certain powers in Congress, with the means “necessary and proper” to carry them into effect. The only inquiry, then, is, are the means proposed to be employed, or the appropriation to be made, “necessary and proper” to attain any of the ends indicated by the constitution? If it be, you have a constitutional right to make the appropriation, but not otherwise. This he conceived to be the only sound rule, and it was the one by which he always had been, and always would be, governed. Then, he would ask, where was the power granted to Congress which this appropriation was intended to carry into effect? There was none, he contended, to which it could, by any possibility, be made to appertain; he defied ingenuity to point it out. If Congress can appropriate money for the relief of suffering Indians in Florida, they have the same right to appropriate money for the suffering inhabitants of any other portion of the globe—in suffering Africa, or in suffering Spain. If you may give to the suffering Indians of Florida, surely, by the same rule, you may give to the suffering citizens of Florida; yet such an application would be scouted out of the House.

The motion to lay the bill on the table was negatived, and, after considerable discussion, it was ordered to be engrossed for a third reading.

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The House having again resumed the consideration of the report of the Committee of

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Foreign Relations, approving the Mission to Panama, with the amendments proposing a qualification to the general expression of approbation thereof—

Mr. BUCHANAN addressed the committee as follows:

I shall proceed to discuss the subject under the various aspects in which it has presented itself to my mind.

I know there are several gentlemen on this floor, who approve of the policy of the amendments proposed, and wish to express an opinion in their favor; and who yet feel reluctant to vote for them, because it is their intention finally to support the appropriation bill. They think, if the amendments should be rejected, consistency would require them to refuse any grant of money to carry this mission into effect. I shall, therefore, ask the attention of the committee, whilst I endeavor to prove that there would not, in any event, be the slightest inconsistency in this course.

I assert it to be a position susceptible of the clearest proof, that the House of Representatives is morally bound, unless in extreme cases, to vote the salaries of Ministers who have been constitutionally created by the President and Senate. The expediency of establishing the mission was one question, which has already been decided by the competent authority: when the appropriation bill shall come before us, we will be called upon to decide another and a very different question. Richard C. Anderson and John Sergeant have been regularly nominated by the United States, to be Envoys Extraordinary and Ministers Plenipotentiary "to the Assembly of American nations at Panama." The Senate, after long and solemn deliberation, have advised and consented to their appointment. These Ministers have then been created—they have been called into existence under the authority of the Constitution of the United States. That venerated instrument declares, that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur: and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint, Ambassadors, other public Ministers, and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law." What then will be the question upon the appropriation bill? In order to enable our Ministers to proceed upon their mission, the President has asked us to grant the necessary appropriation. Shall we incur the responsibility of refusing? Shall we thus defeat the mission which has already been established by the only competent constitutional authorities? This House have, without doubt, the physical power to refuse the appropriation, and they possess the same power to withhold his salary from the President of the United States. The

true question is, what is the true nature of our constitutional obligation? Are we not morally bound to pay the salaries given by existing laws to every officer of the Government? By the act of the first May, 1810, the outfit and the salary to be allowed by the President to Foreign Ministers are established. Such Ministers have been regularly appointed to attend the Congress at Panama. What right, then, have we to refuse to appropriate the salaries which they have a right to receive, under the existing laws of the land?

I admit there may be extreme cases, in which this House would be justified in withholding such an appropriation. "The safety of the people is the supreme law." If, therefore, we should believe any mission to be dangerous, either to the existence or to the liberties of this country, necessity would justify us in breaking the letter to preserve the spirit of the constitution. The same necessity would equally justify us in refusing to grant to the President his salary, in certain extreme cases, which might easily be imagined.

But how far would your utmost power extend? Can you re-judge the determination of the President and Senate, and destroy the officers which they have created? Might not the President immediately send these Ministers to Panama? and if he did, would not their acts be valid? It is certain, if they should go, they run the risk of never receiving a salary; but still they might act as Plenipotentiaries. By withholding the salary of the President, you cannot withhold from him the power; neither can you, by refusing to appropriate for this mission, deprive the Ministers of their authority. It is beyond your control to make them cease to be Ministers.

The constitutional obligation to provide for a Minister, is equally strong as that to carry into effect a treaty. It is true, the evils which may flow from your refusal may be greater in the one case than in the other. If you refuse to appropriate for a treaty, you violate the faith of the country to a foreign nation. You do no more, however, than omit to provide for the execution of an instrument which is declared by the constitution to be the supreme law of the land. In the case which will be presented to you by the appropriation bill, is the nature of your obligation different? I think not. The power to create the Minister is contained in the same clause of the constitution with that to make the treaty. They are powers of the same nature. The one is absolutely necessary to carry, the other into effect. You cannot negotiate treaties without Ministers. They are the means by which the treaty-making power is brought into action. You are, therefore, under the same moral obligation to appropriate money to discharge the salary of a Minister, that you would be to carry a treaty into effect.

If you ask me for authority to establish these principles, I can refer you to the opinion of the first President of the United States—the

immortal Father of his Country—who, in my humble judgment, possessed more practical wisdom, more political foresight, and more useful constitutional knowledge, than all his successors.

I have thus, I think, established the position, that gentlemen who vote for the amendments now before the committee, even if they should not prevail, may, without inconsistency, give their support to the appropriation bill.

I now come to a question of great importance in this discussion. Does the information before the House justify the proposed amendments, and render them necessary? or, are they mere abstract propositions, in no manner connected with the subject? I have never been more mistaken, if I shall not be able to demonstrate, that, from the uniform course of policy which has been pursued by the present Administration, they are already committed to such an extent, that it will be exceedingly difficult for them to retrace their steps and extricate themselves without giving just cause of offence to the Southern Republics. In my opinion, a crisis has now arrived, in which it is the duty of this House to take a firm stand in favor of the ancient and the approved policy of the country. We should proclaim to the world, that it is our determination "to preserve peace, commerce, and friendship, with all nations, and to form entangling alliances with none."

It will here be necessary to take a short historical view of our relations with the Southern Republics. Within the last few years, we have seen in this hemisphere, seven new Republics emerging from the chaos of Spanish colonial despotism. The whole American people beheld this cheering spectacle with heartfelt satisfaction. We watched their progress with the most intense anxiety, and, marching in the van of nations, we first declared them to be free, sovereign, and independent. This declaration now is, and will forever continue to be, one of the most glorious events in our annals. It was made on the fourth of May, 1822, and all hailed it with pride and with pleasure. In the Summer of 1823, the Holy Alliance, at the request of Spain, were called upon to assist in subjugating, what she was pleased to call her revolted colonies. The most serious apprehensions were then entertained, that an unholy crusade was to be proclaimed against the cause of liberty and Republican Government, wherever they existed over the whole earth. In this alarming posture of affairs, did we give any pledge to foreign nations? Did we commit the faith of the country to all, or any of the Southern Republics? Certainly not. We maintained the same independent position which we had always occupied in our relations with foreign nations. The celebrated Message of Mr. Monroe, of December 2d, 1823, announced to the Holy Alliance, and to the world, that we could not view with indifference the hostile interposition

of any European power against the independence of the Southern Republics; but would consider such an attempt as dangerous to our own peace and safety. This declaration was re-echoed by millions of freemen. It was received with enthusiasm in every part of the Union. It answered the purpose for which it was intended, and the danger which then threatened the Southern Republics has since passed away.

This declaration contained no pledge to any foreign Government. It left us perfectly free: but it has since been converted into such a pledge by the present Administration; and although they have not framed formal alliances with the Southern Republics, yet they have committed the country in honor to an alarming extent.

The present Secretary of State has always been an enthusiast in favor of the Southern Republics. He has gone to such extremities in their cause, that, in this particular, prudent men would feel disposed to compliment his heart at the expense of his understanding. I have no doubt his conduct has proceeded from the ardor of his nature in the cause of liberty; and, therefore, I shall be the last man to visit it with censure.

From the date of the Message of Mr. Monroe, until the present Administration came into power, we have never heard that any attempt was made to convert it into a pledge to any of the Southern Republics. No sooner had the present Secretary taken possession of the chair of State, than our policy was changed. Mr. Poinsett was sent as Minister to Mexico, to obtain a commercial treaty from that Government. In his instructions, which bear date on the 25th of March, 1825, and which were never communicated either to the Senate or to this House, until the 30th of March, he was directed to impress the principles of Mr. Monroe's Message upon the Government of the United Mexican States. He was also instructed to urge upon that Government, "the utility and expediency of asserting the same principles on all proper occasions." Was not this a direct departure from the course which the former Administration had pursued? Are not these instructions substantially to this effect? We wish to enter into a treaty of commerce with you: we have determined that no European power shall interfere between any of the Southern Republics and Spain, in their war for independence; nor shall they attempt to colonize any part of this continent: we, therefore, urge to you to act in concert with us in asserting the same principles. The truth is, the Secretary evidently considered it as a pledge, and sent it forth as such to foreign nations. How was it understood by Mexico? During the last Summer, it was apprehended by that Government, that France was about to invade the island of Cuba. We were then instantly called upon to redeem our pledge, and to protect that island against the fleet and

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army of France. On this occasion did the Secretary attempt, either directly or indirectly, to deny the existence of such a pledge to Mexico? On the contrary, in his letter to Mr. Poinsett, of the 9th of November last, he expressly recognizes our obligation, and leaves the Mexican Government to infer what we would have done had the contingency happened, from a despatch which he had sent to the American Minister at Paris. This despatch contained an express declaration that the Government of the United States could not consent to the occupation of the islands of Ouba and Porto Rico by any other European power than Spain, under any contingency. Was not this a formal recognition of the pledge, on the part of our Executive? But is this all? No; very far from it. It is unnecessary again to repeat the strong language of Mr. Poinsett to the Ministers of Mexico upon this subject, which has been so often repeated on this floor. It is so clear and conclusive a pledge that, with respect to it, there can be no mistake or misapprehensions. This language was communicated to Mr. Olaj, in the letter of the 28th of September. That gentleman, when called upon by this House for his answer, informed us that none had been transmitted. He has since discovered that he was mistaken, and has transmitted us the answer to Mr. Poinsett's letter, which had been accidentally overlooked. Does this letter of Mr. Olaj disapprove the declaration of Mr. Poinsett to the Mexican Government? We know that it does not. An implied assent is as strong as an express assent. Mr. Poinsett, from his instructions, and from the whole correspondence, stands completely justified before his country for the declarations he has made. In this manner our country, so far as it can be committed by the Administration, has been pledged to Mexico to pursue the course of policy which I have endeavored to delineate.

How shall we extricate ourselves from these obligations to Mexico? Shall we say to them: true it is, we have attempted to obtain from you the same commercial privileges which you are willing to grant to the other Republics of this continent, by declaring to you that we form a part of what is called the great American system, and that we are pledged to maintain your independence by war, if that should become necessary, "and to bear the brunt of the contest." True it is we know in what manner you understood our declarations, and we have expressly recognized your construction, by declaring our determination to carry it into effect against France, if she should attempt to invade the island of Ouba. True it is, that when the nature of the pledge was distinctly brought home to our Government by Mr. Poinsett, we never whispered a word against its binding force. But yet you were entirely mistaken in its nature. Mr. Olaj, whilst the House of Representatives had the subject under debate, has declared, that it was a pledge, not to you, but

to ourselves and our posterity. You have, therefore, no interest whatever in this pledge, and we can release ourselves from it as soon as we shall think proper.

I ask if any man of honor, after he had committed himself to his neighbor in this manner, and had thus attempted to obtain an advantage from him, could afterwards say, without forfeiting his character, I merely pledged myself to myself. I can, and will, redeem myself from my pledge; and you must suffer the loss and the disappointment.

In my opinion, the friends of the Administration on this floor ought to be most anxious that these amendments should prevail. They would be the best justification of the President at Panama. He could then say, with propriety, that, whatever might have been his own inclination in relation to this pledge, the House of Representatives had declared it should never have their sanction.

I think, sir, I have already shown, that the documents upon our table contain sufficient reasons for the adoption of these amendments. But I shall not rest here. I will proceed to another most important branch of the subject. In the first place, however, it will be necessary to present before the committee a view of the precise character of the Congress of Panama. It is certainly not difficult to understand its nature; but, in my judgment, it has not been correctly explained. If you would look for its true character you must examine the treaties to which it owes its existence. They form a perpetual alliance, offensive and defensive, in peace, and in war, between those Republics who are parties to them. They create, to use their own language, "a perpetual union, league, and confederation." The Congress of Panama will be composed of Plenipotentiaries from all the Southern Republics, "for the purpose of establishing on a more solid basis, the intimate relations which should exist between them all individually and collectively, and that it may serve as a council in great events, as a point of union in common danger, as a faithful interpreter of public treaties when difficulties may arise, and as an arbitrator and conciliator in their disputes and differences." It appears, then, that the first object intended to be accomplished by the Congress of Panama is, to establish a strict and intimate alliance and union between all and each of the seven Republics which have freed themselves from the yoke of Spain. Should this be accomplished, to the extent which they intend, I shall look upon the day of its consummation as the darkest which this country will ever have beheld. We shall then be compelled either to become a member of the Confederacy, or stand alone upon this continent against seven independent and powerful nations. If, for the preservation of the honor, or the interest of the American people, we shall be compelled to go to war with one of these Republics, the whole continent of America south of our own territory, will be marshalled

in hostile array against us. War with one must be war with all. Such an alliance may not be so dangerous to our liberties as a league between monarchs; but the calm of despotism, however dreadful it may be to the subjects of the despot, does not present to foreign nations the same terrors that would be presented by a confederation of young, and vigorous, and ambitious Republics. I trust in God, that the Ministers who may be sent to Panama will be instructed to use their best exertions to break up this Congress. With whatever favor it may now be regarded by the American people, the time will come, ere long, when it will be looked upon as an object of jealousy and apprehension. If this Congress should accomplish the purpose for which it has been convened, our hope must then be, that it will share the fate of nearly all the Confederacies which have ever existed. Our Ministers should warn them by the examples of history, by the precepts of Washington, to avoid entangling alliances with each other. They should admonish them of the danger of jealousy and civil war. They should tell them that such a league, instead of being their protection, might become their ruin.

It is clear to my mind, from the documents in our possession, that the President, in balancing the difficulties of our situation, thought it better this country should incur the danger of becoming eventually a party to this alliance, than stand alone. He must have foreseen, and it is evident he did foresee, that this Government, whatever might be its intention by sending Ministers to the Congress of Panama, would be insensibly drawn into the confederation; that the Congress, from the nature of the objects to which its attention will be directed, must be perpetual. After the alliance shall have been completely formed, it will remain as the council in great events, and the point of union in common danger for the Confederacy. I am free to admit, that, in my opinion, it will not be an assembly of sovereign States, like our old confederation. Its powers, however, are more than merely diplomatic. It possesses judicial authority to fix the construction and decide upon the true meaning of public treaties between members of the Confederacy. It will also be the arbitrator in all disputes and difficulties which may arise. Whether it will possess the power of carrying its decrees into effect, I cannot determine, as the treaties are silent upon that subject. The President, when he accepted the invitation given to this country to be represented by the Ministers in that Congress, knew that their very attendance there might produce a strong sympathy between us and the confederates. That, whatever instructions might be given in the beginning, we should, probably, in the end, be drawn into an alliance. This is a view of the subject entirely distinct from any question which has arisen, either respecting our neutrality in the war between Spain and her former colonies, or our pledge to maintain their independence and form

of Government. It looks beyond both. The President, in his Message to the House, has met this question fairly. I shall quote his own language: He says, "among the inquiries which were thought entitled to consideration, before the determination was taken to accept the invitation, was that, whether the measure might not have a tendency to change the policy, hitherto invariably pursued by the United States, of avoiding all entangling alliances and all unnecessary foreign connections."

Does the President deprecate this event, which his sagacity had foreseen? Does he declare that this shall never be our policy, and that he will take the necessary means to prevent it? On the contrary, knowing that the American people considered an adherence to the Farewell Address of the man who was first in war, first in peace, and first in the hearts of his countrymen, to be the palladium of their safety, he has, by a long and ingenious argument, attempted to destroy its force. He has endeavored to prove that its principles did not apply to the Southern Republics, and that General Washington himself, under existing circumstances, would have entered into close alliance with them. And has it come to this? Was it not enough to have abandoned the principles of that immortal man, without attempting, by ingenuity, to turn them in direct opposition to their plain and palpable meaning? I do not wish to cast any reflections upon the character of the present President. I believe him to be a great statesman, and perhaps, as well versed in the theory of diplomacy as any man now living. I must, however, be permitted to say, that he has attempted to explain away the principles of the Farewell Address. No man who reads his Message can entertain a doubt on the subject. And, yet, his friends in this House say there is no cause for alarm; there is no necessity for adopting the amendments—if we did, they would show a want of proper confidence in the Executive. I should have been glad if my friend from Massachusetts (Mr. EVERETT) had given us any explanation of this part of his Message in his report. He has not thought proper to do so, but has ingeniously passed it over without comment. Is it not, then, necessary to adopt these amendments, for the purpose of declaring that, in our opinion, the policy of Washington should still prevail?

The President, in his Message to the Senate, has declared that he deemed it to be within the constitutional competence of the Executive to send Ministers to Panama. He applied to the Senate, not because he thought their sanction necessary, not because he believed he could act without it, but because he wished to evince a proper degree of deference for their opinion.

This, it appears to me, is an assumption of power on the part of the Executive, unknown to the constitution. That instrument makes it his duty "to give Congress, from time to time, information of the state of the Union." From this duty results his power of sending agents

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abroad, merely for the purpose of obtaining information. This power has been often exercised. But, by what authority the President could claim the right of sending Plenipotentiaries to Panama, without the consent of the Senate, I am utterly at a loss to determine.

There is another reason which has shaken my confidence in the Executive, so far as respects this mission. The Senate were anxious to discuss this measure with open doors. They, therefore, requested the President to inform them, whether the publication of the documents necessary to be referred to in debate, would be prejudicial to existing negotiations. He, however, fixed the seal of confidence upon the proceedings, and held them bound to secrecy, fast as the grasp of death. But no sooner had the Senate decided the question, than he himself published to the world these very documents, and accompanied them by a Message, which is, in fact, but an answer to the report of the Committee of Foreign Relations to the Senate. The reply is thus made to precede the argument. And thus it was expected first to seize upon the feelings of the people of the United States, and get them committed against the Senate. It is not for me to say this conduct was wrong; but I know, if I were a Senator, I should feel it most sensibly. In this reply, whenever the argument of the Committee of Foreign Relations was unanswerable, the President changed his ground, and presented the matter to the House in an aspect entirely different. I shall present an example before the committee, to illustrate this position.

The President, in his Message to the Senate, distinctly stated, that one object which he had in view in accepting the invitation, was to influence the southern nations to change their political constitutions in regard to their established religion, and to introduce universal toleration. From the state of public opinion in those countries, an attempt of this nature would spread one universal flame over the whole southern continent. With whatever justice the enemies of the Catholic religion may say it has been a scourge to liberty in other countries, it has certainly been a blessing to the southern Republics. Its Ministers, so far from having set themselves in array against the principles of liberty, took a leading, and an efficient part in accomplishing the Revolution. This assertion is true, in its utmost extent, in relation to Mexico. The President, having discovered the danger of such an interference, at the present time, very prudently changed his attitude in his Message to this House, and now only intends to ask, at Panama, what I feel confident all the nations will grant, without the least difficulty—the liberty to our own citizens, while they reside within any of the Republics, of worshipping their God according to the dictates of their own conscience.

I come, now, to speak of a subject deeply interesting to my own constituents, and to the State which I have the honor, in part, to repre-

sent, as well as the rest of the Union. We have often been told, as an argument against these amendments, that they imply a want of confidence in the Executive. Judging from their conduct in relation to the island of Cuba, I am justified in declaring, that my confidence in them is shaken, in every thing which regards the southern Republics. England and France have been warned by our Government, in the most solemn and formal manner, that we could not consent to the occupation of that island by any other European power than Spain, under any contingency whatever. Ought not the same course to have been pursued towards the South American Republics? The reasons for adopting this policy, as I shall presently show, are at least as strong in the one case as in the other; but, yet, the documents prove that the Cabinet had arrived at a different conclusion. From them, it is evident, that our Government did not intend to interfere for the purpose of preventing an invasion of that island by Mexico and Colombia. Mr. Clay, in his letter of December last, to the Ministers of these two nations, requested, only, that their invasion of Cuba might be suspended until the result of our interference in their favor with the European powers should be ascertained. In his letter to Mr. Middleton, our Minister at St. Petersburg, dated in May last, which he read to the Ministers of Mexico and Colombia, he entered into a long argument to justify an invasion of that island by those Republics, in case Spain should prove obstinate, and not recognize their independence. I will not trouble the committee by reading this despatch to them, as it is in the hands of every member.

The vast importance of the island of Cuba to the people of the United States, may not be generally known. The commerce of this island is of immense value, particularly to the agricultural and navigating interests of the country. Its importance has been rapidly increasing for a number of years. To the middle or grain-growing States, this commerce is almost indispensable. The aggregate value of goods, wares, and merchandise, the growth, produce, and manufacture, of the United States, exported annually to that island, now exceeds three million and a half of dollars. Of this amount, more than the one-third consists of the two articles of pork and flour. The chief of the other products of domestic origin are fish, fish-oil, spermaceti candles, timber, beef, butter, and cheese, rice, tallow candles, and soap. Our principal imports from that island are, coffee, sugar, and molasses, articles which may almost be considered necessities of life. The whole amount of our exports to it, foreign and domestic, is nearly six millions, and our imports nearly eight millions of dollars. The articles which constitute the medium of this commerce, are both bulky and ponderous, and their transportation employs a large portion of our foreign tonnage. More than the one-seventh of the whole tonnage, engaged in foreign trade, which entered

the ports of the United States, during the year ending the last day of September, 1824, came from Cuba; and but little less than that proportion of the tonnage employed in our export trade, sailed for that island. Its commerce is, at present, more valuable to the United States than that of all the southern Republics united. How, then, can the American people ever agree that this island shall be invaded by Colombia and Mexico, and pass under their dominion? Ought we not to avert its impending fate, if possible? The vast and fertile regions of Mexico and Colombia will produce, in abundance, nearly all the articles with which we now supply Cuba. If it should be revolutionized and become an integral part of either of these Republics, the fate of this portion of our trade would at once be sealed. Disguise the fact as we may, Mexico is destined to become our rival. She already feels it and knows it. She already looks to war between us and the southern Republics. When our Minister told her Plenipotentiaries that the power she desired to preserve of granting privileges to the southern Republics which she wished to deny to us, would be useless to her on account of our existing treaties with them, they hastily remarked, that war would dissolve all treaties. Shall we, then, stand with our arms folded, and see this island pass into her possession? Shall we rest contented with having advised a simple suspension of its invasion merely with a view to the benefit of those Republics?

Important as this island may be to us in a commercial, it is still more important in a political view. From its position, it commands the entrance of the Gulfs, both of Mexico and Florida. The report of our Committee of Foreign Relations truly says, "that the Moro may be regarded as a fortress at the mouth of the Mississippi." Any power in possession of this island, even with a small naval force, could hermetically seal the mouth of the Mississippi. Thus, the vast agricultural productions of that valley, which is drained by the father of rivers, might be deprived of the channel which nature intended for their passage. A large portion of the people of the State, one of whose Representatives I am, find their way to market by the Mississippi. For this reason I feel particularly interested in this part of the subject. The great law of self-preservation, which is equally binding on individuals and nations, commands us, if we cannot obtain possession of this island ourselves, not to suffer it to pass from Spain, under whose dominion it will be harmless. And yet our Government have never even protested against its invasion by Mexico and Colombia.

There is still another view of the subject in relation to this island, which demands particular attention. Let us, for a moment, look at the spectacle which it will probably present, in case Mexico and Colombia should attempt to revolutionize it. Have they not always march-

tion? Have they not always conquered by proclaiming liberty to the slave? In the present condition of this island what will be the probable consequence? A servile war, which, in every age, has been the most barbarous and destructive; and which spares neither age nor sex. Revenge, urged on by cruelty and ignorance, would desolate the land. The dreadful scenes of St. Domingo would again be presented to our view, and would again be acted almost within sight of our own shores. Cuba would be a vast magazine in the vicinity of the southern States, whose explosion would be dangerous to their tranquillity and peace.

Permit me here, Mr. Chairman, for a moment, to speak upon a subject, to which I have never before adverted to upon this floor, and to which, I trust, I may never again have occasion to advert. I mean the subject of slavery. I believe it to be a great political and a great moral evil. I thank God, my lot has been cast in a State where it does not exist. But while I entertain these opinions, I know it is an evil at present without a remedy. It has been a curse entailed upon us by that nation which now makes it a subject of reproach to our institutions. It is, however, one of those moral evils, from which it is impossible for us to escape, without the introduction of evils infinitely greater. There are portions of this Union, in which, if you emancipate your slaves, they will become masters. There can be no middle course. Is there any man in this Union, who could, for one moment, indulge the horrid idea of abolishing slavery, by the massacre of the high-minded and the chivalrous race of men in the South? I trust there is not one. For my own part, I would, without hesitation, buckle on my knapsack, and march in company with my friend from Massachusetts (Mr. EVERETT) in defence of their cause.

I am willing to consider slavery as a question entirely domestic, and leave it to those States in which it exists. The Constitution of the United States shall be my rule of conduct upon this subject. I have good reason to believe, that the honest, but mistaken attempts of philanthropists, have done much injury to the slaves themselves. These attempts generally reach the ears of the slave, and whilst they inspire him with false hopes of liberty, and thus make him disobedient, and discontented with his condition, they compel the master to use more severity than would otherwise have been necessary.

I think I have shown we are deeply interested in every thing which regards the fate of Cuba. I do, therefore, most sincerely rejoice that the President has recently changed his policy concerning that island. He has, at length, come forward like a statesman, and with true magnanimity has corrected those errors into which he had previously fallen. In his late Message to the House, we hear no more of requesting Colombia and Mexico to suspend their invasion, till the pleasure of Spain can be

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known; but he has told us distinctly, that, at the Congress of Panama, "all our efforts in reference to this interest will be to preserve the existing state of things, the tranquillity of the islands, and the peace and security of their inhabitants." This declaration is the strongest argument that could be urged, to my mind, in favor of the mission.

Mr. WURTS said: I can say, Mr. Chairman, in perfect sincerity and singleness of heart, that I have given to this subject all that reflection which its grave and important character demands: the more so, indeed, as there are those, whose judgment and forecast I hold in the highest respect, found in opposition to the measure. But after listening most attentively to all that has been said, and after weighing most deliberately in my mind all the reasons for and against it, I can arrive at no other conclusion than that this country should be represented in the proposed conferences at Panama.

It has frequently and justly been remarked, in the course of the debate, that this question has excited a deep and lively interest, not only here, where it is to be decided, but throughout the nation, whose attention is fixed upon it. It would indeed be extraordinary, had it been regarded in any other light than as a proposition of high importance to the welfare of this country, and as intimately connected with the preservation and extension of the principles on which our political institutions are founded. The prosperity and power which this great Confederated Republic has attained, has demonstrated to the world, that a free Government, emanating directly from the people, and having for its object their peace, happiness, and security alone, is not an ideal scheme of visionary enthusiasts. It is here shown to be a sober reality—a substantial permanent good, enjoyed and acknowledged by every one within the sphere of its operation, and the moral and political influence of which has extended far beyond our borders.

Stimulated by the practical example which this Government of equal rights and equal laws furnishes to the nations of the earth, the people of the southern portion of our hemisphere have broken the chains which bound them to the car of a despot, and, like the immortal founders of our own Republic, throwing off a state of colonial vassalage, by their joint councils, arms, and efforts, fighting side by side, through a long and bloody war, they have achieved their general liberty and independence. This second revolution upon the American Continent has brought into existence eight sovereign and independent States. The fierceness of the struggle which has given them "their separate and equal station among the nations of the earth" being over, their attention is now anxiously directed to the object of securing and expanding, by international stipulations and conventions, the inestimable blessings for which they have so freely expended their blood and treasure. For

this purpose their diplomatic agents are even now assembled in council—and in these important deliberations we are invited to participate, as a people of kindred interests and feelings who have sympathized with them in adversity, rejoiced in prosperity, promptly acknowledged the independence which they have established, and from whom are derived their notions of political and civil liberty. Shall we accept or shall we reject an invitation, growing out of such events, having for its object the attainment of such ends, and given in a spirit of frankness and friendship?—is now the question to be decided. And what, sir, are the objections urged against it?

It is said that the objects of this Congress are imperfectly known, and its powers indistinctly defined. To this I answer, that enough is known of the objects for which it is held, to show, or at any rate to satisfy me, that, in many of them, we have a direct and deep interest, and that it is highly important for us to be there by our Representatives. As to its powers, it cannot be material for us to know more than has already been spread before us, on that head. We know that those by whom we are invited will have power to confer and adjust with us matters of mutual interest. Beyond that, it is unnecessary to extend our inquiries: for, however comprehensive may be the powers of those who are to represent the Republics of the Southern Continent, we know that the powers of those who represent us, must depend upon the peculiar structure and organization of our own Government. They can be nothing more than diplomatic agents.

But it is said that it may violate or endanger our neutrality. To this I answer, that the mere act of sending diplomatic agents there, is no more a violation of our neutrality, than the sending them to any belligerent power—and the risk of its being violated by any acts done by our agents in this Congress, is the same, and no greater, than that it will be violated through the medium of our Ministers now resident at those South American Governments. In addition to this, we know that those who invite us do not expect us to participate in the discussion of any measure that might affect our neutrality, and the Executive expressly disavows any idea of doing so.

But, it is said that, by means of this mission, an alliance, offensive and defensive, may be concluded between us and some one, or all, of these Confederated Republics; and it is upon this danger that my colleague has dwelt with peculiar emphasis.

I answer, as before, that there is no greater risk of such a step being taken through the medium of this mission, than through the medium of our Ministers already in South America. The mission is not necessary to enable the Executive to accomplish that object, if he be desirous of doing it. The power is already in his hands, and has been ever since we recognized the independence of those Gov-



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ernments, and by our appropriations concurred with the Executive and the Senate, in sending Envoys Extraordinary and Ministers Plenipotentiary to them. Against the consummation of such a policy, if we suppose the disposition to pursue it exists on the part of the Executive, we must in this, as in every other case, rely upon the check which the constitution has provided, in the sober views and ripe councils of the Senate; or, failing in our confidence there also, we must retain the power entirely in our own hands, by refusing the appropriation. But, what reason is there to apprehend that the Executive will attempt such a measure? Does he not know the feelings and the views of the people on such questions, and that it is with them a principle almost as well established as any article in our constitution, that, while we maintain "peace, commerce, and honest friendship, with all nations," we will have "entangling alliances with none?" Does he not know that he would not be sustained in a different course by the general voice of the public councils of this nation? If I were his bitterest enemy I could not wish him to take a step more suicidal as regards his public career.

It is alleged, however, that even this kind of confidence is not to be reposed, because the Executive intimates an opinion that it may be desirable to have a mutual stipulation between this country and the Republics of South America, inhibiting the colonization of either continent by European powers; and because the celebrated declaration in the Executive message in 1823, in relation to an interference in the struggle between Spain and her colonies, by any European Government, is now recognized as a pledge to defend them in such an event. Upon the first point I apprehend no danger: the importance of such a stipulation from those Governments, gentlemen will estimate for themselves. I deem it of minor consideration, as compared with other matters; but it may have a value beyond what, on slight examination, we are disposed to give to it. It could produce no evil, however, if confined within the limit indicated by the Executive Message, namely, for each party to maintain the principle in application to its own territory. But this, the gentleman from Kentucky (Mr. WICKLIFFE) regarded as a degradation to ourselves. What! stipulate, he asks, with foreign powers, that we will preserve the integrity of our own soil? Sir, this is not treating the question fairly. It is not proposed to go abroad to gather strength, or create inducements to defend our own soil. The colonization of any part of the continent of North America, within our territorial limits, by any Government, never will be permitted, so long as this Republic retains the power to prevent it. The stipulation, therefore, would bind us to no course other than that to which our feelings and our policy would prompt us, independent of it. But it would be the means by which we should obtain the security, so far as international stipulations can give it, that no

part of the territorial dominion of the southern Republics should pass, by cession or otherwise, to European powers, who might prove to be troublesome and mischievous neighbors to both of us. In relation to the celebrated declaration contained in the Message of Mr. Monroe, I have but a single remark to make: I say, with the gentleman from Kentucky, (Mr. JOHNSON,) who addressed us a few days since on this point, that I am not willing to retrace our steps, or to take one particle from the just weight and consideration that was given to it, both by this House and this nation at the time it was made. It has accomplished its purpose; the danger which induced, or which might be considered as incident to the assumption and promulgation of that principle on the part of this Government, has passed away. It bound us not, as we all know, by any treaty stipulation, to the Republics of South America, to take up arms in their cause. It was in the face of the world an assertion of our own great interests, which, however, could not but operate beneficially for them. It was a position to be maintained by us in the best manner we could, consistently with other great and leading considerations in the policy of the country. From it we cannot, and ought not to recede; and whilst I concur with gentlemen in saying that I would not enter into any compact or stipulation with these Republics, which would change our present position as free agents in this matter, still, I maintain that, should the despotic Governments of Europe assume the attitude against which this protest of *this nation* was made, (of which, however, there is now, happily, no fear,) it would be a most grave and solemn question what our own interests and our duty would require of us in such a crusade against free Representative Government. Every man in this nation would feel that an enemy to its peace and its liberty was at our very door, waging war upon us, by forcibly assailing the principles which lie at the foundation of our political institutions.

I have, then, sir, noticed the objections which have been urged against the mission—with what effect the committee will judge. It would be unpardonable in me to detain the committee by passing *seriatim* through the several considerations which have been, or may be urged in favor of it: because they are distinctly set forth in the Executive papers on our table, and are again brought perspicuously in review before us by the report of the Committee on Foreign Affairs; all of which, I doubt not, have been read by every member of this committee, under the impulse of that intense interest which the subject has excited. There is one point to which, however, I must call the attention of the committee for a few minutes: it is the fate of the island of Cuba, as connected with this question.

I listened, Mr. Chairman, with the most profound attention to the gentleman from South Carolina, (Mr. HAMILTON,) to ascertain, if possible, what his views really are as to the policy

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to be pursued by this Government in relation to this island. But I was not able to infer from his remarks, what measures he would pursue, if the whole power of the Government, in this particular, were vested in him. It is apparent, however, that neither he nor my colleague is satisfied with the steps which, from the documents before us, it appears that the Government has taken, or with those which it yet proposes to take. They are dissatisfied with and condemn things as they now find them—that we could all gather from their remarks; but they do not come forward and tell us what they think would place us in a better situation. Whilst they abstain from doing so, they will both be candid enough to admit that the question is one of extreme delicacy and difficulty. We should not form and express a hasty opinion upon the subject, as presented by the documents upon our table, for it is very possible that they may give us but a partial view of the ground. There may be negotiations pending at this moment in relation to Cuba, about which we know nothing—about which the Executive, under the qualified call made upon him has deemed it incompatible with the public interest to communicate with us, and about which we ought not to seek to be informed, since it might be the means of defeating the very object for which such negotiations may have been instituted. Take, for example, the case of a proposed cession of the island of Cuba, by Spain, to some other European power. Such an event would arouse the vigilance of the Government, and, undoubtedly, lead to important diplomatic communications with Spain, and, perhaps, with other European Courts also. Such an emergency may have happened, and in consequence of it, the Executive may have taken such measures, or assumed such language and attitude, as, if disclosed, would meet our approbation; but at the same time, the publicity of them might be the most effectual method of preventing all the beneficial results otherwise to be attained by them. So, also, to the Republics of South America, our language may have been of a much stronger and more decided character than that which has met the public eye in these documents.

I agree with my colleague, (Mr. BUCHANAN,) that the ultimate destiny of Cuba is of vast importance to us, in more respects than one. It commands the only outlet of the Western States to the Ocean, lies in the track of our commerce on the seaboard, and, in the hands of any European State possessing a more powerful marine than Spain, might be the means of exercising a controlling and pernicious influence upon the industry of our country in all its branches. How far we ought to go to prevent such an evil, is another most grave and solemn question, which, however, we are not now called upon to decide. If we were, I, for one, should be prepared to say, that this nation ought not to see that island pass from the dominion of Spain to that of any European Government whatever.

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But, aside from commercial considerations, its intimate connection with our interests in another point of view, should carry us to Panama.

There are interests, sir, in this Union, south of a certain line, often mentioned in this House, in relation to which I shall make it a rule not to speak, unless when they be pressed upon me by those more intimately connected with them than I am. I am willing to leave them with those who, from their locality, must understand them better, and feel the pressure of them more strongly than I do. But, if they would be guided by my counsel, they would avoid the mention, or, at any rate, the public discussion of them, unless when the most imperious necessity may require it. If there be an evil so fearful and appalling as they represent, in the bosom of the Southern States of this Union, it is much more likely to be aggravated and hastened to a crisis, than alleviated and checked, by frequent recurrence to it in this House.

It is admitted on all hands, however, that the invasion of Cuba by the Republican armies of South America, under the banner of universal emancipation, might be productive of the most deplorable consequences by its influence and operation on those interests. If so, I cannot but express my surprise, that any gentleman from the South should be arrayed against the mission. Nevertheless, the gentleman from South Carolina has told us, that Cuba is the stalking horse on which this mission was to ride through this House.

Sir, who was it that first, in this House, connected Cuba with the mission? Was it not a gentleman from Virginia? (Mr. FLOYD,) who, I am sorry to hear, is now detained from it by indisposition. Did he not warn us, and have not other gentlemen south of the line to which I have alluded, warned us, of the desolation and horrors of a servile war? And, if there be this danger, shall we sit down in apathy, fold our arms, and wait till the whirlwind has overtaken us? Or, shall we be up and doing, while opportunity is left to us? Shall we meet this danger, look it full in the face, as becomes us, and provide against it as we best can? Surely, sir, there is no reason to pause, and hesitate in our course. On the contrary, there is every motive for prompt action. If the invasion of this island, by the southern Republics, be a matter of such all-speaking importance to us, shall we absent ourselves from the spot where we can most effectually interpose to prevent it? Shall we not go where the effort is to be made, or shall we not make the effort at all? Hitherto we have succeeded in arresting the measure by timely intercession. But affairs are now drawing to a crisis. Spain is driven from the continent; but she still chooses war rather than peace. The new Republics will not maintain fleets and armies in idleness. They will seek their enemy where he is to be found; and the very council to which they have invited us, is to decide upon the fate of this island, so mo-

mentous in its consequences to us. Yet we hesitate whether we shall once more interpose, at the only place, and in the only manner, in which it can be done, to prevent the consummation so much dreaded. Assuredly, sir, if gentlemen apprehend the consequences which have been predicted, they should hail this mission as the best, if not the only means, of preventing them.

The House adjourned.

WEDNESDAY, April 12.

*Florida Indians.*

An engrossed bill for the relief of the Florida Indians was read a third time, in the following words:

"A bill for the relief of the Florida Indians.

"*Be it enacted, &c.* That the sum of twenty thousand dollars be, and the same is hereby appropriated, out of any money in the Treasury, not otherwise appropriated, to be expended under the directions of the President, in affording sustenance to the suffering Florida Indians."

Mr. STEWART said, though he might stand alone, he rose to ask the ayes and nays on the passage of this bill. Upon mature reflection, he was satisfied that this bill not only involved an important constitutional question, but would establish an important precedent. If Congress can appropriate money for this object, they can appropriate for any object whatever. There remained no constitutional limitation on this power. Though his views were thought to be too liberal on this subject, yet he was not prepared to go the extent of this bill. From the vote yesterday it was quite evident that the bill would pass almost unanimously, yet he wished the vote recorded, and the question settled; and, therefore, asked for the yeas and nays.

The House sustained the call, and the yeas and nays being taken, were—yeas, 140; nays, 7. So the bill was passed, and sent to the Senate for concurrence.

*Mission to Panama.*

The House having again resumed the consideration of the report of the Committee of Foreign Relations, approving the mission to Panama, with the amendments proposing a qualification to the general expression of approbation thereof—

Mr. LIVINGSTON addressed the committee as follows:

The first object for discussion that presents itself, is the constitutional power of the House to grant or refuse the appropriation. This part of the subject was pressed upon my consideration about 80 years ago, when I first had the honor of a seat in this House. I then formed opinions which have been confirmed by subsequent reflection, and which establish distinctions in the right to the exercise of this power; an inattention to which, has caused much of the confusion and difference of opinion that has since occurred. These distinctions are clearly

marked, in my comprehension; and, if I can succeed in impressing them on the minds of others, as definitely as they are marked on my own, I think our course of conduct, on this occasion, will be free from constitutional difficulties. In ordinary cases, such as providing the salaries for offices previously created by law, and for carrying on the usual and necessary operations of Government, although the House has the power to refuse appropriations, yet it is a power that can be properly exercised in extreme cases only; and, therefore, it can be provided for by no rules; and can scarcely be admitted in argument among the legal powers of the House. Yet, a case may be imagined, in which it might become necessary to stop the progress of the Government, in its Executive branches; but this remedy would amount to a temporary dissolution of the Government, by the derangement of its parts. In the ordinary cases, then, which I have described, I think we may safely come to this conclusion: that it is the duty of the House of Representatives, in the exercise of their share of legislative functions, provide for the payment of all officers, legally appointed, and other expenses previously authorized, or necessary for carrying on the usual operations of Government; of which necessity, when not previously authorized, they are the proper judges. To exemplify this part of the rule—where an army has been raised, and the pay of the officers and men fixed by law, there is a duty to appropriate the money required to pay them; yet, if that army entertained projects injurious to the peace or liberty of the country, which could be defeated by withholding the pay, the case of necessity would have arisen, and the power might and ought to be exercised. Again, if the army do their duty, and expenses are incurred, in the course of their operation, not provided for by law, the House may appropriate or not, as they think the expenses proper or extravagant. Here their discretion is subject only to the obligation of its just and equitable exercise, and they are not bound (as in the case of the provision for a salary previously fixed by law) to appropriate, without consideration whether the salary were extravagant.

In the relation of this power of appropriation to the treaty-making power, there is another distinction. With respect to treaties already made, a wider range is given to our discretion. Should a treaty contain any stipulation requiring the exercise of any of those powers expressly vested in this House, such as the regulation of commerce; any agreement affecting our neutrality, and leading directly to a necessity of changing it into a state of war; the raising a subsidy; the taking off or imposing a duty; in any of these cases, the question of expediency presents itself to the House, unfettered by any other consideration than the inconvenience that would result from the measure. It is an open question, on which they must decide according to their own judgment;

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and no nation making any such stipulation, would have a right to complain if it were not carried into effect; because, by reading our constitution, they would see that all those subjects are completely under the control of the House. When no stipulation of this kind is contained in the treaty, it is a law, independent of any act of the House. I do not mean to say, even in the first case, of a stipulation on any of the subjects of which the regulation is given to Congress, that the circumstance of the compact having been made, and executed, or relied upon in good faith by the other contracting party, ought not to have its weight in determining the question of expediency. It undoubtedly ought; and, therefore, the reasons for refusal ought, in such case, to be cogent, before the power is exercised; but it creates no duty, such as exists in the case of appropriation for ordinary salaries, and treaties not touching the subjects expressly submitted to the discretion of the House. In these last cases, there is certainly a power of withholding the supply; but a power which should be exercised only in cases of extreme danger, not of mere convenience: whether the danger be such as to justify it, must be left to the prudence and wisdom of the House; and no other rule can, from the nature of the case, be laid down for its exercise.

The case now before the House, although it affects our foreign relations, does not come within the description of those which I have last spoken of. No treaty is made, and we cannot say, therefore, whether any will be made: or if made, whether it will contain stipulations on any of the subjects I have enumerated. The constitutional call for the exercise of our discretion, cannot yet be made. It is not, therefore, the case of a demand on us for the execution of a treaty, nor is it precisely (although I think it ought to be governed by the same rules) that of an ordinary appropriation for the payment of the salaries of pre-existent officers. It resembles it in this—that the office, although not created by law, is created by the law of nations, and recognized by the constitution, and that the appointment to fill it, has already been constitutionally made; and, as was well remarked by the gentleman from Pennsylvania, (Mr. BUCHANAN,) whether we make the appropriation or not, the gentlemen who are named *are* Ministers, and the treaties they may make, when ratified by the Senate, will be law, in all points that do not require the agency of the House to carry them into effect. It differs only in these features—that the appropriation is asked for to pay the agent, before the duty is performed, and that the motives for the appointment have been detailed to us.

I proceed to consider, which I promise to do very briefly, what are those good effects.

The first, in the order of the Message—and certainly not the least in importance, although it has been deemed proper to treat it with lev-

ity—is the cultivation of a spirit of amity and good feeling between us and neighbors with whom we must necessarily be on good or bad terms. Our relative situations forbid the existence of that cold calculating jealousy which has been recommended: we must be good friends, or troublesome neighbors. Our interest, as well as political policy, prescribe the former relation to them; and nothing would ensure the latter so effectually as a refusal (couched it in what terms you will) of an invitation the most flattering to national pride, that exists in the annals of diplomacy.

He who does not feel, with patriotic exultation, the proud, the dignified place that we shall occupy on this occasion, can never be convinced by argument. We are invited, not to preside in the council—that would be a vain distinction—but to “fix with our neighbors the great principles of international law,” in which it is “presumed”—I quote from one of the invitations—“that we possess more light upon the subject than the other States of this hemisphere;” and in which it is added, that, although “other parties may propose their views, yet the voice of the United States will be heard with deference and respect.” For my own part, I feel an additional pride in being the citizen of a Republic thus distinguished; thus appealed to; not for the exercise of its force, or the aid of its subsidy; but for the participation of a more precious treasure—its experience, its knowledge, its science in government, and in national law—a treasure, of which we may be profuse without extravagance, and the employment of which will bring us the interest of honor abroad and self-esteem at home.

And who are they, sir, who have given this invitation? Who are they that gentlemen wish us to disgust by coldly, or proudly, or suspiciously, declining it? They are those, sir, who have a right to our advice. Our example gave them the great lesson of independence; our struggles taught them perseverance; our success animated, and our prosperity has encouraged and inspired them; they have copied our political institutions, and the characters of our statesmen and heroes are the objects of their emulation and respect; and, if our Revolution had never taken place, they would still have been poor oppressed colonies, crouching under the rod of a European master. With all these reasons for national attachment to us, shall we have none for them? and, wrapping ourselves in a cold-hearted policy, shall we deny them the common courtesies of civilized national intercourse? Sir, in this part of my argument, I am not advocating any alliance, (I am sick of the eternal repetition of the epithet “entangling,”) or other political connection that may involve us in war or other difficulty; a kind feeling, a free intercourse, the exchange of good offices; the friendship arising from a similarity of institutions: all those things, better felt than described, which produce national as well as individual friendships, and which lead to ex-

planations of misunderstandings, that would, if fomented by the opposite feelings, break out into quarrels and war. These are all I recommend, and these are certainly effects that may reasonably be expected from the mission.

Instead of this, what are we told? Guard against this national attachment—forget that they are struggling for that inestimable blessing which you have obtained; forget that you first set the example which they follow; forget that you were the first to cheer and encourage and salute them by a recognition of their title to a place among the nations of the earth; throw away the advantages resulting from their neighborhood—convert it into a curse by jealousy of their motives; tell them that you consider their glorious independence as not so advantageous to you as the former state of vassalage in which they were held; call them *ambitious military Republics*, and guard yourselves particularly against any connection with them: for they are your NATURAL ENEMIES.

Peace with Great Britain, as with all the world!—free intercourse!—the most friendly feelings!—gratitude, if you will, for the institutions we derive from her; but no alliance; no standing *with her against* the whole, or any part of the world. Yet, sir, we are not without our *sympathies*. Since my friend will have them, I could enumerate a string of them, almost as long, and quite as applicable, as Falstaff's, as thus: John Bull loves money—so does Jonathan: "there's sympathy for you." John Bull loves trade—so does Jonathan: "there's more sympathy." John boasts of his valor and liberty—so does Jonathan. "Go to, then, would you desire better sympathy." John has a quick sense of his political and commercial interests; and, wherever they are discussed, his most able diplomatic agents are, invited or uninvited, to be found. Here, sir, my parallel ends. So does *not* Jonathan. He will not accept the most respectful invitation; he closes his lips, he stops his ears, and, in continual dread of entangling alliances, he neglects his interests and disgusts his friends.

Next to the advantage to be derived from a general friendly understanding, is that which we promise to ourselves and to the world from the discussion of liberal principles of international law. Those which are intended to ascertain the rights of neutrals, in time of war, are of the utmost importance to our interest, under the pacific policy, which, I trust, we shall always maintain, when it can be done with honor. Those which go to regulate the conduct of belligerents towards each other, in carrying on the unprofitable contest, will serve the cause of humanity, and redound to the endless glory of that nation whose enlightened policy first suggested, and whose persevering efforts shall have established them in the code of nations, as they have always been established in that comprehensive, enlightened self-interest, which should be the basis of all law.

Among the most important of those which

regard neutral rights, are the restriction of blockades, and a reduction and proper designation of the list of articles forming contraband of war, and the establishment of the principle that free ships make free goods.

But the object of a general nature to be discussed at this meeting, on which my friend dwells with the most pleasure, is the protection of private property on the ocean from seizure and pillage; by which I mean, not only the abolition of privateering, but a complete exemption from capture, whether by public or private ships: placing private property and private industry on the sea, upon the same footing upon which the humane principles of modern warfare have placed it upon the land; making it as disgraceful for an Admiral to enrich himself by the capture of a trader, as for a General to pillage the cottage of a peasant.

I now approach the subject which has excited all the fears, called forth all the prejudices, and employed all the talent and eloquence of those who oppose the measure—the discussions that may arise on the declaration made by Mr. Monroe, that we could not see with indifference the interference of any foreign powers in the dispute between Spain and her colonies. This has been called a pledge, and so I consider it—a pledge, not to ourselves or our posterity, which I should consider a subterfuge unworthy a great nation, as well as a solecism in language—but a pledge to the world, that we would interfere, according to our means, to resist such interference. And it is one which, although made by one branch of the Government, was ratified by the sentiments of all, and would have been redeemed by the spirit of the people. But that pledge related only to the state of things that then existed. It was made when all the great powers of Europe, except Great Britain, were confederated for the avowed purpose of putting down all representative government in Europe; when the object of the Confederation had been effected in Naples, and was in full operation against Spain, and when the extension of the same principles to America, then not only a probable event, but one known to be the subject of deliberation, would have endangered our own political institutions. The declaration of the President was, at the time, understood to have been made with the concurrence of Great Britain, and, together with the interference and remonstrances of that power, to have produced the abandonment of the design. This pledge, however, is now represented as being intended for the foundation of an alliance with Spanish America, to resist any interference whatever in their war with Spain—and I confess that the generality of the terms appears to have produced this impression on some of those Republics—and that they may be fully undeceived; that the true import of the declaration may be satisfactorily explained; is one of the reasons why I advocate the mission: while, on the other hand, I cannot agree

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to the amendment which forbids discussion on the subject. The circumstances under which the declaration was made, have passed away; they are not likely again to recur; but, I should wish all Europe to understand, that if they should, our conduct would redeem the pledge our Executive then made. How our neutral relations are to be affected by this subject, I cannot conceive. As far as it applies to the island of Cuba, it has been repeated and enforced, and most frankly avowed to the only parties it could affect; and, far from producing any hostile feeling in them, or any expression of dissatisfaction, even its propriety was acknowledged and acquiesced in. The only two powers to either of which Cuba could be transferred, to our detriment, are France and Great Britain; and both of those nations have heard our declarations on that subject, with the express acknowledgment that they were proper. Does any gentleman doubt this, let him refer to Mr. Brown's note to the Baron Damas, of the 2d of January last. In repeating to that Minister the conversation he had held with him, he says: "In the conference with which your Excellency honored me this day, I repeated the same assurances (that 'the United States could not see with indifference Porto Rico and Cuba passing from Spain to any other power,') and added, with a view of guarding beforehand against any possible difficulties that might arise, that my Government *could not consent* to the occupation of those islands by any other European power than Spain, under any contingency whatever."

Now, sir, what did the Baron de Damas say to this explicit declaration? Did he complain of it, as gentlemen do here, as a breach of our neutral duties, as an interference with the concerns of other nations? Did he warn us that it would draw down the ire of the Holy Alliance, or of any of its members? No, sir; Mr. Brown tells his Excellency that he understood him to say, "that the policy and views of the United States corresponded with those of his Majesty's Government;" and his Excellency does not correct the statement. Thus much for France. Great Britain has gone further: for her agent in Mexico identifies himself with Mr. Poinsett in the communications received and made on the appearance of a French fleet in those seas. Our views on the whole subject are made known to the Russian Government, on Mr. Middleton's application to Count Nesselrode; and by him communicated to all the courts of Europe, including Spain; and yet, we hear nowhere but in our Legislature, the slightest complaint of those views, or any intimation that they are not acknowledged to be just. Here, on the contrary, the most fatal effects are anticipated. Entangling alliances! War! with all its horrors, are to be the immediate and inevitable result of a declaration received without complaint by all the world, and with express approbation by those whom it will most affect,

I come now, sir, to the subject which I consider as of the most vital importance of all those that are contemplated by this mission—the condition of Cuba. Any change must be one that we cannot regard without the liveliest interest. Its transfer to a foreign European power has been already, in some measure, considered; our right to interfere to prevent this has been shown to have been acknowledged and acquiesced in. It is a right arising not only from the danger of vicinity, but from the command which the power holding that island would have over the commercial intercourse of all the Western States, with our own country, and the rest of the world. New Orleans, as a port of export, is now the second in the Union, and soon will be the first. It employs more shipping belonging to other States than any other port does. It cannot be suffered, then, that any foreign power should be placed in a situation which would enable it to interrupt this commerce; the first of all laws, that of self-preservation, justifies our interference, and no decorous language can be too strong to express a determination not to suffer it. But this is not the worst state of things that may grow out of events relating to this island: an evil of more appalling magnitude threatens us from this quarter, and more immediately hangs over my constituents, and the people of other States, who, like them, have a number of slaves; and it is this danger which I hope may be avoided by negotiation: that is my principal inducement for favoring this measure. All the other objects are of sufficient magnitude to justify, but this renders it, in my judgment, imperatively necessary. All this made me look with anxiety to the objections drawn from the nature of the assembly, which, it was said, ought to prevent our being represented at it. From a close attention to all the documents, I could see in it nothing but a deliberate diplomatic meeting, in the consultations of which, the part which we were to take would be determined by the powers and instructions of our own Ministers; and as I could not but believe the solemn official declaration of the President, as to the nature of the power and instructions he intended to give, this objection, and others of a minor nature, with the refutation of which I will not detain the committee, yielded to my sense of duty in giving effect to a measure that may avert from the State I represent, one of the most dreadful scourges which Divine Providence has ever permitted to fall on a nation. It is known, sir, that the invasion of Cuba has been projected for some time past by the united powers of Colombia and Mexico. That invasion, if made with a force insufficient to repress the slaves—if it should depend for its success on their insurrection—or, if their emancipation should be proclaimed, as a consequence of the conquest; in either of these events the result would be such as cannot be regarded without apprehension. In the Northern and Middle States they are not considered

as they ought to be; not from any disregard to the fate of their southern neighbors—I do not impute to them such criminal indifference—but not being themselves exposed to it, they have never considered, never calculated the danger. They know Cuba as a place of mercantile resort—as an excellent market for their merchandise—and its vicinity to us has only been thought of in relation to the length of the voyage, and the rate of insurance. But they have had no occasion to reflect, that a few hours, in an open boat, may bring its inhabitants to Florida, and a voyage of little more difficulty, to Louisiana, Alabama, Georgia, and Carolina. Nor have they considered the consequences of such a neighborhood to the citizens of those States—consequences which I shall not endeavor to depict—certain consequences to the miserable masters of the island itself, which must be the scene of their operations: scarcely less certain to the States I have named. A temporary absence alone prevented my being an eye-witness to the devastation of insurgent slaves in my own State, to the shocking but necessary severity which attended its suppression, and to the increased rigor which the abortive attempt of the guilty brought on the unoffending. My nearest connections were among the few survivors who escaped from the smoking and bloody ruins of that fair island, once the seat of commerce, wealth, ease, hospitality, and happiness, where the indulgent master ruled with a paternal hand the contented slave, until a fatal revolution, such as is now perhaps preparing for Cuba, suddenly covered it with carnage and desolation, and, in the struggle, severity and revenge produced atrocities at which human nature shudders, and which no good, promised by a false philanthropy, can ever compensate. Every one who lives in a country where slavery has been established, must ponder seriously on those scenes, and the recital of what has happened; the danger of its recurrence, and the means of avoiding it, must naturally make a more serious impression on his mind, than on that of one more remote from the dangers. To me, from the circumstances I have named, they come home with redoubled force; and when I reflect that, in voting for the measure proposed, I may possibly avert those evils from my constituents; when I think on the consequences of a false judgment, in a matter of this moment, I feel the responsibility of my station, to my conscience, my country, and my God.

Mr. REED next rose, and spoke to the following effect:

Mr. Chairman: I consider the proposed mission to Panama as highly important to the United States. I also consider the amendments offered by the gentlemen from Delaware (Mr. McLANE) and Virginia (Mr. RIVES) to the resolution now before us, as deeply affecting the principles of our Government. These subjects demand our deliberate consideration. I will ask the indulgence of the committee to state,

in a plain and concise manner, my views upon both propositions.

The main question presented for the deliberation of the committee is, Shall we make the appropriation necessary to defray the expense of a mission to Panama? The question now more immediately under consideration, is the amendments of the gentlemen from Delaware and Virginia to the resolution of the Committee of Foreign Affairs, resolving that it is expedient to appropriate the funds necessary to enable the President of the United States to send Ministers to the Congress at Panama.

I shall first consider the amendments above referred to. These amendments appear to me to deserve much consideration: for, in my judgment, they are hostile to the spirit of the constitution, and at variance with the uniform usage of this House since the first organization of the Government. These amendments have been termed "the expression of an opinion." They unquestionably are the expression of an opinion: but are they the expression of an opinion proper for us to give? Are we authorized by the constitution to express such opinions, and in such manner?

The amendments, in my judgment, are unauthorized by the constitution, and of dangerous tendency. If unauthorized by the constitution, it must be dangerous for the House of Representatives, directly or indirectly, to assume the power and corresponding responsibility of the Executive branch of the Government. The amendments referred to are no more nor less than instructions to the President and Ministers. We have no power to instruct. It is therefore an assumption of power, unauthorized by the constitution.

Some embarrassment has been felt from the manner in which the subject has been presented to us. The Message of the President, requesting an appropriation, was referred to the Committee of Ways and Means. The Message of the President, in answer to our call for information respecting the Panama mission, was referred to the Committee on Foreign Affairs. Both committees have reported to the House. The one, that the proposed mission to Panama is expedient—the other have reported a bill granting the money necessary to defray the expense of the mission. We treat the report and bill as distinct subjects. I consider the report of the Committee on Foreign Affairs as an able one, but the appropriation bill is the real subject, and the only one, upon which we are called to act in relation to the Panama mission. The appropriation involves the report of the Committee on Foreign Affairs, or so much of it as proves the expediency of making the appropriation.

The report and bill refer to one and the same subject-matter. The one is the reasoning—the other the result. The close of the report of the Committee on Foreign Affairs, is, "*Resolved*, That it is expedient to appropriate the funds

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necessary to enable the President of the United States to send Ministers to Panama."

The Committee of Ways and Means, because it is expedient, adopting the report of the Committee of Foreign Affairs, for its result, bring in a bill to appropriate \$40,000 for that purpose. In one word, the money is to be appropriated because it is expedient, and this assumes the substance of the report. But gentlemen insist upon amending the report, by adding conditions. The money shall be appropriated because it is expedient, and it is expedient, provided certain amendments referred to (now before us) be adopted; which amendments are nothing more nor less than instructions to the Executive and our Ministers. I refer to the amendments, which I will not trouble the committee to read. We then make the appropriation conditionally. We have no authority to annex a condition to our appropriation, nor do we attempt it in the appropriation bill. But we attempt it in the report of the Committee of Foreign Affairs, which lays down the principle on which the appropriation rests. To illustrate the subject farther, it is the usual course in this House for a committee to make a report setting forth the reasons why money should be granted, with a bill making the appropriation. Suppose this had been the mode in the present case. Suppose the Committee of Foreign Affairs had made a report that it was expedient to appropriate the money to defray the expenses of the mission, with a bill making the appropriation. All this might well be united. Add the amendments proposed, which are the conditions—the instructions. If these instructions were incorporated in the act, would such an act pass the House or Senate? I presume not. Yet, in fact, by the amendments proposed, the same thing would be effected, so far as to declare and publish the opinion of this House. I contend that the amendments proposed do go to express the opinion of the House of Representatives as to what should be the instructions; that they express an opinion that the appropriation should be conditional. It is an unwarrantable assumption of power. We have no constitutional right to instruct or annex conditions to an appropriation of the present character. As we have no constitutional authority in the case, we have no right to attempt to reach the object indirectly. I am aware that, as we have no power or control over our ambassadors, and cannot annex a condition to an act making an appropriation for their support, our instructions and opinions as to the condition of the grant, are not obligatory. Still, it is intended that these amendments, expressing such opinion and instructions, placed in alliance and near connection with the appropriation bill, shall have an influence. In my opinion, as far as they may have an influence upon the Executive, or elsewhere, it will be of evil tendency.

But the gentleman from Delaware (Mr. McLANE) has informed us that he would not

have proposed his amendment, if our opinion had not been requested by the Executive. How has our opinion been requested? "The President, in his Message to this House, observed, that 'the concurrence of the House to the measure, by the appropriations necessary for carrying it into effect, is alike subject to its free determination, and indispensable to the fulfilment of the intention.'"

The Executive asks no opinion, but the opinion which we can constitutionally express, by granting or withholding the appropriation. He could ask no other opinion. The power and responsibility of giving instructions to Ministers and Ambassadors is intrusted alone with the Executive. The constitution has wisely placed it there. There let it remain. But suppose it possible that the Executive should so far forget himself as to request the opinion of this House in relation to the instructions which it might be proper to give our Ministers? Would gentlemen be prepared to grant such a request? Would they be ready to assume the power and the responsibility necessarily connected with it? I trust not. I am not prepared to assume Executive power or Executive responsibility.

I will now make some remarks in favor of the proposed mission to Panama, and of the appropriation necessary to effectuate that object.

The President of the United States, in his Message to both Houses of Congress, informed us "that the Governments of Colombia, of Mexico, and Central America, had severally invited the Government of the United States to be represented at the Congress of Panama, to deliberate upon objects of peculiar concernment to this hemisphere."

The President has given us the letters of invitation from these foreign powers—presenting generally their views of the objects and business of the proposed Congress. He has also given us the answers, on the part of the Executive, to those invitations. They have been so often adverted to in this debate, that I forbear to trouble the committee by referring to any particular part.

The President has nominated two distinguished men as Envoys Extraordinary and Ministers Plenipotentiary. He has, in a communication to the Senate, and, also, in a communication to this House, both of which are before us, stated explicitly his views in relation to the mission. His views have given evidence of talent, and wisdom, and benevolence, which demand, and will, in some day, receive, the tribute of the admiration and love of all the American nations, north and south, and of the world. The Senate of the United States, after due deliberation, have approved of the nomination. The President has now submitted the "propriety of making an appropriation to our candid consideration and enlightened patriotism." We are called upon to give our sanction to the mission, by making the necessary appropriation.



The objects of the mission are various. They unite duty and interest—our own good and the good of nations. But some gentlemen are alarmed. They apprehend evil. If we meet in Congress at Panama, they insist that we must engage in all the deliberations which may come under their consideration, and be finally bound by the result. This view is, in my humble opinion, entirely erroneous—contrary to the opinions expressed in the invitation of those nations; contrary to the opinion expressed in reply to their invitation; and contrary to the express declarations of the President in his communications to us. I will not trouble the committee by reading extracts from these documents, as they are before us, and contradict the above opinions and apprehensions. Those nations do, indeed, solicit us to afford them the light of our knowledge and experience, where we may have no direct interest but the hope of doing good. They will meet in Congress for various purposes; but they do not invite or desire us to join them, further than interest and duty require union. Is there a man in this committee who believes our Ministers will be bound to take a share in discussions upon subjects in which we have no interest? Is there a man in this committee who believes our Ministers will be bound by a majority of the Congress without their own consent? If, peradventure, any stipulations should be agreed upon which the President and Senate did not approve, would they not be rejected? Is there a man in this committee who does not believe that the President will give instructions conformably to his communications made to this House? Is not the Executive bound, by every consideration of honor and duty, to be cautious in giving his instructions? There can be no danger. Some gentlemen seem strangely and unnecessarily alarmed. Beside, whether there be danger or not, the President must decide, and the people of the United States will hold him responsible for his decision, if we do not wrongfully interfere.

Some object on account of the novelty of the mission; others, because they apprehend we are pledged to a particular policy: for, at any rate, they have found the word pledge in the correspondence of one of our Ministers, (Mr. Poinsett.) These objections, and, as it seems to me, timid and unfounded alarms, are excited by a few expressions of foreign Ministers, and our own, perhaps not sufficiently guarded. These detached expressions seem, in the estimation of such gentlemen, to outweigh the whole current of the correspondence of our own Government, and of foreign Governments, and the express declaration of the Executive as to the policy he shall pursue. But Mr. Poinsett gave an informal account of a conversation between himself and the Mexican Government, in which he mentions the word *pledge*. It yet remains very doubtful whether the word was ever used.

Other gentlemen complain that it is a depar-

ture from former usage. The history of the South American Governments is an anomaly in the history of the world. Seven or eight nations have been emancipated, as it were, in a day. They desire to meet with us; shall we refuse, because such an event never has, and, probably, never will again occur? It is no departure from principle. Our Ministers will have no greater power than has been given to all former Plenipotentiaries. If it be unusual, let it be remembered that it corresponds with an unusual and wonderful event in the history of Divine Providence. There will be no departure from the straight and narrow path of duty; no departure from our dearest rights and purest principles. I accuse no man of misrepresentation, in garbling extracts from the communications so liberally given us, but appeal to the whole communications.

The President has fully disclosed his views of the mission; of the restrictions and limitations of the power of our Ambassadors; that it is merely consultative. Yet all this does not seem to afford some gentlemen any satisfaction.

The gentleman from Virginia (Mr. Rives) has given us the history of the origin of the recognition of the Republics of South America, and has quoted from several eloquent speeches of Mr. Clay. I do not perceive his object. Does the gentleman mean to censure the vote of this House upon that subject? It will be remembered it was a very extraordinary vote. According to my recollection, there was but one solitary No. The gentleman from Virginia (Mr. Rives) warns us not to be influenced by sympathy. I admit that even sympathy should be subjected to the wholesome discipline of the understanding; but I trust that such pure and heavenly affection may be not only safely indulged, but encouraged. At the same time, while the gentleman warns us to beware of sympathy, he calls to his aid passions of a more unworthy character—passions which need no excitement—fear, anger, jealousy. He would have us take counsel of fear: for the mission may produce, said he, war with England; and he would excite our anger and jealousy, by complaining that Mexico has treated England with more attention and respect than she has treated us.

Much has been said in the course of this debate respecting the islands of Cuba and Porto Rico. They unquestionably present to this nation objects of great difficulty and vast importance. I do not propose to state my views. The subject has been ably examined by others. I could but notice some remarks of gentlemen opposed to the mission.

One gentleman has informed us of the great value of our trade with Cuba, and the great amount of our tonnage employed in that trade, and, in a tone of censure and complaint, suggests that our interests in relation to that island had not been sufficiently regarded by the Executive. Another gentleman severely recriminates the

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Executive, because he suggests the importance of the mission to Panama in a commercial view. This suggestion is denominated a lure held out to the cupidity of merchants and mercenary men. One gentleman is afraid of entangling alliances, fearing that they may result in war. Another gentleman denounces the Executive with severe censure for the moderate and persuasive language which has been held towards Colombia and Mexico, respecting their taking possession of Cuba. He would have it made known that the United States would declare war immediately if those nations should take the island. Thus the Executive is accused of neglecting our mercantile interests; of being too much alive to and concerned for those interests; of pursuing a course too daring and hazardous; of wanting spirit and energy. Yet all these agree in denouncing his conduct as dangerous and wrong. They all agree that he has done either too much or too little.

These various and contradictory opinions prevailing in this House, clearly prove our incompetency to discharge the Executive functions.

On motion of Mr. HEMPHILL, the committee rose, and

The House adjourned.

THURSDAY, April 18.

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The House having again resumed the consideration of the report of the Committee of Foreign Relations, approving the Mission of Panama, with the amendments proposing a qualification to the general expression of approbation thereof—

Mr. HEMPHILL rose, and addressed the committee as follows:

The resolution which has been offered by the Committee on Foreign Relations, in this unprecedented case, is unconnected with the bill for the appropriation; it is an abstract resolution, at the conclusion of an able report of the committee, setting forth their reasons at large, in favor of the mission. It concurs in the expediency of the measure: for it will not be said, that it means nothing more than that we are constitutionally bound to vote for the appropriation. If we agree to this resolution, we acquiesce in the expediency of the measure, in its unlimited character, which is a very different thing from voting simply in favor of the appropriation bill, as I intend to do.

Although the reasoning of the committee is not considered as bearing on the treaty-making power, the amendment is opposed, as an infringement of that power, and as giving instructions and conditions to our Ministers. But what is the fact? The amendment is the mere expression of the will of this House, on a question of great national concern; and it is immaterial how the opinion of this House reaches the ears of the President, whether by the speeches of members, or the general approbation, or disapprobation, of a particular measure.

The fact being ascertained to his satisfaction, it ought, and doubtless would, have the same influence on him, as a formal resolution: for a resolution in form is nothing more: it only reduces to a certainty the opinion of the House, which cannot as well be ascertained in any other way; and its object is to apprise the Executive of the sentiments of the Representatives of the people. But it does not amount to instructions; the House has no constitutional authority to give instructions; it is not so intended, nor will it be so received—the Executive, with the advantage of this information, will act as he pleases, and take the responsibility. It is acknowledged that the House has a right to express an abstract opinion on great national concerns; and this is nothing more. The appropriation bill stands by itself, and if the adoption of this resolution is not desired to produce some effect on the public opinion, I should be glad to know why we are called upon to act on it. Pass the appropriation bill, and that will be sufficient.

I will here be allowed to call the attention of the committee to the Message and documents from whence we derive our information on the subject; and I will, in their order, advert to the letters of invitation, and the answers to them; and to the manner in which they have been received and treated, by the Executive branch of the Government. The letter of Salazar, under the date of the second of November, 1825, to the Secretary of State, mentions that the honorable Secretary having intimated, in the name of his Government, that the United States, if formally invited by Mexico and Colombia, and apprised of the subjects to be discussed, would, on their part, appoint a person to represent them, if the subject should be approved of by the United States; the undersigned is accordingly authorized, by his Government, to address this invitation; which he now makes, in all due form. The subjects of discussion he puts in two classes:

*First.* Matters peculiarly and exclusively concerning the belligerents.

*Second.* Matters between the belligerents and neutrals.

The United States, he said, will not take part in the discussion of the first description; and he confined himself to the latter. He then observed, that an opportunity would be afforded to fix some principles of international law. The manner in which all colonizations of European powers, on the American continent, shall be resisted, and their interference in the present contest between Spain and her former colonies prevented, are other points of great interest. Were it proper, an eventual alliance, in case these events should occur, which is within the range of possibilities, and the treaty, of which no use should be made, until the *casus fœderis* should happen, to remain secret; or, if this should seem premature, a convention so anticipated would be a different means to secure the same end, of preventing foreign in-

fluence: this is a matter of immediate utility to the American States that are at war with Spain, and is in accordance with the repeated declarations and protests of the Cabinet at Washington. The conferences held on this subject being confidential, would increase mutual friendship, and promote the respective interests of the parties. The African slave trade, and the relations of Hayti, are mentioned as other topics.

Obregon's letter is, in substance, the same. After observing that, being informed of the concurrence of this Government in the idea of discussing the first point in a Congress, as was desired, and that it would send representatives to it under condition that the neutrality in which it stood with Spain should not be violated, one of the subjects he mentioned which would occupy the attention of the Congress, would be the resistance or opposition to the interference of any neutral nation, in the question and war of independence between the new powers of the continent and Spain.

After these two principal subjects, the Representatives of the United States of America may be occupied upon others, to which the existence of the new States may give rise. The United States of America may send their Representatives to take part in those questions, which, long since, they were the first in declaring to the world they regarded as of transcendent importance to the interests of all America; and in others, to which the formation of the new States will give rise; the concurrence in which will, moreover, accomplish the object so much desired by the respective Governments, of manifesting, by deeds, the disposition and facility which the powers of this continent possess, to act in concert in the common cause.

The objects to be discussed are, first, exclusively concerning the belligerents—and, secondly, between the belligerents and neutrals. What is the plain meaning of all this? The first class will not be permitted to be discussed; and the reason is, because we will come to no conclusion with the new States upon them: and it would be useless, and beyond the range of diplomacy, to enter into the discussions of subjects, not intended by either party to be acted upon. But the means of making effectual the assertion of the principle of colonization, and of resisting interference from abroad with the domestic concerns of the American Governments, are to be among the subjects of consultation at Panama, by alliances, and mutual pledges, if terms can be agreed upon to the satisfaction of each party. In regard to the interference from abroad it is said that a joint declaration of its character, and exposure of it to the world, may be probably all that the occasion would require; and, whether the United States should or not be parties to such a declaration, may justly form a part of the deliberations; the means of resistance, it is allowed, are generally to be discussed; and it would be strange, and,

I presume, without example, if the President should instruct our Ministers to take a part in the consultation of the means of resistance, if it was his intention to abstain entirely from any agreement on the subject. He has conveyed no such idea; he merely says, it would obviously be premature, at this time, to anticipate that which is offered merely as matter for consultation. With regard to the principle of colonization, it is said, that if it be deemed advisable to contract any conventional engagement on this topic, our views would extend no further than to a mutual pledge of the parties to the compact to maintain the principle, in application to its own territory, and to permit no colonial lodgements or establishment of European jurisdiction upon its own soil. In the Message to the Senate the words are, "Each will guard by its own means." If these mutual pledges would not impose beneficial obligations, it would be nugatory to enter into them; the object is, to make effectual the assertion of the principle. The United States does not require any pledge to protect its own soil; and can it be imagined that any pledge will be made, if the southern Republics are to receive no advantage from it? They are to use their own means; I presume the meaning of that is, if assistance is received, it is some time to be remunerated. The Executive views on the subject cannot be confined to a voluntary permission of European colonization: for no means then would be necessary, as no resistance would be required. The views of Salazar and Obregon are explicit on the subject; and they are nowhere treated otherwise by the President. An alliance of such a mysterious character as the Message exhibits, would, of all others, be the most likely to entangle us. The Republic would expect some advantage, and, when baffled, it would produce irritation and cold feelings. The President is too much of a statesman to enter into a convention which would impose no obligations on either of the parties. And the reasons why he is not more particular, are, because it would be premature, as the subjects are to be under consultation, and it would be impolitic in him to disclose his whole views. There is enough that he is willing to act on these subjects; but, to use his own language, to concur in nothing that will import hostility to Europe, or justly excite resentment in any of the States. This seems to satisfy many gentlemen. I will not collect all the phrases which have been employed, on this point, by the Ministers of the Republics of South America, and the heads of our Government; they are in substance the same, but dressed in different language. I will take those expressed by the President and the Secretary of State.

The amendment does not preclude the treaty-making power from arguing and convincing the Governments of South America of the impropriety of any attempt to liberate from Spain the islands of Porto Rico and Cuba. The treaty-

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making power is left free to discuss and to divert them from this subject, if it lies in their power—and even to enter into any stipulation on the subject, which will not involve us in any alliance, offensive or defensive. Of all the subjects that can be acted upon in the Congress, this is the most interesting and delicate one to us. Still, according to our policy we cannot, and ought not, to bind ourselves, but be left at liberty to act according to circumstances, when any serious apprehensions may arise, that any European power except Spain meditates the design of possessing the sovereignty of these islands. If the Republic of Mexico, or the United South American States, will persist in possessing themselves of the sovereignty of these islands, which will be as disadvantageous to us as if the same thing was effected by a European Government, our first power of resistance must be persuasion and advice; the next must depend upon the time and circumstances. Would Congress now pass a law authorizing the President to employ the forces of the nation against any European power who should attempt to take the sovereignty of these islands from Spain? No, they would not. It would be a daring policy; the people would not approve of it; they would not be willing to put this power into the hands of their own Executive, but would prefer to be free to act according to circumstances when the time arrives. And would it be more acceptable to them to see an alliance with the Southern Republics, either offensive or defensive, by which the peace of the nation would be taken partly out of our own hands and committed to others? The answer is irresistibly in the negative. I will not attempt to describe the importance of Cuba to this country. There has been enough said on this head by my colleague (Mr. BUCHANAN) and others. But I think that our true and dignified policy ought to be the same with all nations; and that we ought to intimate to the new States that our dearest interests will not permit us to look on a change of sovereignty of those islands, by any nation, with indifference. The honorable gentleman from Louisiana (Mr. LIVINGSTON) has described the consequences which would flow from certain conditions of the island of Cuba, in a manner that not only excited his own feelings, but made similar impressions on all who heard him. Certain conditions of the island of Cuba might encourage the rising of the blacks in the South on their masters: for, although I do not consider the slaves of the South as property by divine right, they are so treated by necessity and the constitution; and the more I see and become acquainted with Southern gentlemen, the more I am convinced of the inutility of propositions from the non-slaveholding States on the subject of emancipation. They are only calculated to produce irritation, without the prospect of accomplishing any good. But the gentleman from Louisiana says, however, that the Administration would not permit the new States to

carry on war against it in a savage and ferocious manner, by putting weapons into the hands of the blacks to massacre the white population. But, if we wait until these horrors are witnessed, I fear it will be too late for the cause of humanity, as the white population, in the meanwhile, will chiefly be put to death. Cuba belongs to Spain, and, whenever we interfere to support Spain in retaining it, or to prevent her from transferring it to another, we must break our neutrality; and that is an event which we should, at the least, continually hold in anticipation. But the honorable member says, that, on this subject, we will not be able to discuss or speak at the Congress at Panama. In this, according to my conception of the amendment, he is mistaken. It is the design of the amendment, if its principles should be adopted by the Executive, to leave every thing open to free and full discussion, except an alliance offensive or defensive. And, if there should be any doubt on this point, the words of the amendment can easily be enlarged. My colleague (Mr. WURTS) conjectures that the new States may have been informed by our Government that the relations of these islands shall not be changed, even by them. This, I think, would be altogether inconsistent with the request made to Mr. Salazar that the rumored expedition by them against these islands should be delayed for a limited time.

In adopting a system of southern politics, we should observe the most profound caution; every step we take is new and untried. Suppose that England should establish a colony somewhere near Cape Horn, would we send troops, or aid in money? But it may be said this is not within the meaning of the conventional agreement contemplated on this topic—it is only to maintain the principle in application, on the part of each, to its own territory. If this is really the meaning, it is the most judicious agreement that could be made between us—that is, do you protect your own soil, and we will protect ours, each with our own means; and let us enter into the best commercial arrangements in our power for the enjoyment of the geographical advantages of the two countries. We will suppose, again, that England would be inclined to favor the Government of Brazil in the existing war with Buenos Ayres, and should interfere to partition off a part of the country belonging to the latter, and annex it to the Government of Brazil. This would come within the meaning. I ask, in such an event, would the people of this country be willing to go to war with England? I think I may safely affirm that they would not. Then why should we keep up the idea of this pledge, after it had performed its office? It was wise and patriotic when made, and nobody wishes to detract from President Monroe the unfading honor which he acquired by announcing it to the world; but the end designed is now accomplished and over.

I shall make no effort to diminish the weight of the reasons given by the President, except

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the last: I cannot pass that over unnoticed, as I differ so essentially in opinion with him. General Washington, when living, was the fairest and purest model of prudence and firmness of any man on earth. When he first accepted the command of the army, every one will remember his cautious language: "But," said he, "lest some unlucky event should happen unfavorable to my character and to my reputation, I beg it may be remembered by every gentleman in this room, that I this day declare, with the utmost sincerity, that I do not think myself equal to the command I am honored with." And this was the cautious and prudent character he maintained from that day until the day of his death; he stood as the rock of our salvation in many a trying scene. And in 1793, when the wild principles of French liberty were fast disseminating themselves among the people, whose passions had been roused in favor of aiding the French who had fought for us; he remained at the helm of the Government unshaken, and issued his proclamation of neutrality, which put into practice the specific character of the country, by which the nation was saved from a war. And, on his retirement from his unprecedented public career, he left his principles of policy respecting other nations, as a legacy to his country. He warned us against the danger of entangling alliances; he spoke of Europe, of their primary interests, and of the distance; he could not do otherwise, these being facts. But it is not, in my apprehension, deducible from this, that he would have recommended entangling alliances with the new Republics on our borders, just after they had risen into existence. He warned us against alliances with the countries we then had intercourse with; and the danger would be as great, if not greater, to form alliances with countries adjoining us. I am exceedingly mistaken in the character of General Washington, if he would not, on such an occasion as this, have had an agent on the spot, to transmit information to be deliberated upon at home in the first instance, and to be made acquainted with the powers of this Congress and the mode of its organization, before he would have done any act—he would not have gone on speculation and experiments—I think he would have had an agent there before this time. Let the counsels of General Washington be our guide in this important crisis, and let us enter into no alliance, offensive or defensive, on any point, in time of peace, with any country. But the President's observations on the counsels of Washington prove conclusively what I have before affirmed, that there is a willingness on the part of the President to enter into these alliances. He says, I cannot overlook the reflection, that the counsel of Washington, in that instance, like all the counsels of wisdom, was founded on the circumstances, in which our country, and the world around us, were situated at the time when it was given. The President then compares our situation, and the circum-

stances of that time, with those of the present day, and then asked what, from the very words of Washington, would be his counsel to his countrymen now. Is not this the language of the President, that, under the circumstances of that day, Washington warned us against entangling alliances with the powers of Europe? But, under the circumstances of the present day, as respects the Republics of South America, his advice would be different now to his countrymen? If that is not the inference, and the undeniable inference, I should doubt my own existence: and it is in strict accordance with his acceptance of the invitation under the letters of Salazar and Obregon, where they, without the least disguise, treated the alliances on the two points as not being inconsistent with the neutrality of this country, which every candid statesman must acknowledge to be the fact; and it is also coincident with the other part of his Message, which I have already had the honor of referring to; and it moreover appears to me that he has made no effort to conceal his sentiments. This is the position on which I stand, and the foundation of my argument, that there is a willingness on the part of the President to enter into alliances with the Republics of South America on the two points heretofore alluded to.

Is this the opinion of the people of this country? Is it the opinion of their Representatives on this floor? If it is, reject the amendment at once. But, if it is otherwise, I am persuaded that the committee will see the propriety of adopting it, to arrest this policy on its first appearance. It will not be binding on the Executive; but he will, doubtless, attend to it with the deepest respect. We should enter into no entangling alliances with these new Republics, but let them enjoy our hearty sympathies and the moral influence of our example. We will rejoice at their successes—they are our sister Republics, and our neighbors, and we must have immense dealings with them. Let them see us busy in the improvement of our own country, and in the encouragement of the various pursuits of man—let them see our march of mind in the arts and sciences, and our general activity and industry—let them learn that we do not waste our treasures in pomp and splendor, but expend them for the prosperity and happiness of the people—and let them know that our policy is peace, whenever it can be preserved with honor, and that we will not enter into entangling alliances with any nation—and let them be informed of the effect of our pacific policy; how it has converted our wilderness into cultivated fields, and caused the building of numerous and beautiful cities; and how rapidly, under the auspices of our free institutions, it has increased our population and national wealth. The influence of such examples will do more for these new Republics than all the swords that we can employ in their favor, and all the alliances that we can make with them, which, in the end, might prove dangerous to both countries.

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Mr. F. JOHNSON said: The true policy of our country is peace—our proper ground is neutrality—and I am as unwilling to depart from either, as any one here. I am opposed to all alliances, offensive or defensive, and to all entangling leagues whatever. I am for my country being left free, and to act according to circumstances, to preserve and maintain its rights and its interests.

Our institutions are Republican; the feelings, the habits, and manners, of the people of the United States are essentially Republican. It is human nature to be partial to ourselves, our families, and our friends; and it is according to the dictates of the same nature to feel a partiality for that country and that people, whose institutions assimilate nearest our own. It is human nature to feel and sympathize for those who have struggled against and overcome the difficulties and adversities which we ourselves have had to encounter; and hence, it is pardonable, and even praiseworthy, in the people of this country, to yield their best wishes to a people who, like our ancestors, have broken the chains of tyranny, and triumphantly achieved their liberties.

That part of the continent of America, conquered and colonized by Spain some centuries ago, has remained, until within a recent period, almost entirely concealed behind the veil of Spanish policy; its extent, its population, and its resources, were but partially known, and little understood by the rest of the world. All at once, as it were, thirty millions of people presented themselves, contending for their liberties against that monarchy which had so long held them in the most abject vassalage. They have shown, that they possessed bravery to obtain, and virtue to maintain their independence: instead of Spanish colonies, they present to the rest of the human family seven independent and sovereign Republics. And when gentlemen suppose we feel no sympathy for these Republics, their supposition is against nature, and against fact. These Republics look to our institutions as the model for their own; they look to us as impartial and disinterested friends, who desire their prosperity and independence, and as willing to yield them any advice or counsel which our experience may afford. If they cannot look to us as friends to their institutions, to whom can they look? To Spain, to France, or to the Allied Sovereigns, who are anxious to see them return to their colonial bondage? Where is the Republican Government on earth with which they can commune freely, except it is ours? Through all their struggles, they have been accompanied by our wishes for their success; they have shown the utmost friendship for, and confidence in, us; they have achieved their independence, and have agreed to hold a council to consult on, and to devise the best means to preserve and perpetuate the liberties they have so nobly won: to adjust important regulations of friendly and commercial intercourse among them-

selves and with other nations; and other matters, in which this country is also deeply interested, are to be discussed and settled there; and they have invited us to attend their deliberations, by our Ministers or agents. They are our neighbors; and who will imagine that we are not deeply interested in their fixing permanently and firmly their Governments on the model and principles of our own, and of laying a sure foundation of perpetual peace? And shall we refuse the friendly invitation, upon so momentous an occasion, in the final results of which our institutions, our peace, our commerce, and the principles of liberty, may be so essentially and vitally affected?

But, it is said we ought not to send Ministers, for fear of entangling alliances. What ground, I ask, is there for these fears? There is nothing of the kind to be found in the documents or correspondence. But the letter of Mr. Salazar has been referred to as conclusive, in which he says, "if it be proper, an eventual alliance may be formed." And in what spirit was this expression made? By an examination of the whole correspondence with the Republics on the subject, it will be found that those Republics, reposing in us the utmost confidence, have intimated a willingness to be guided, in a good degree, by our counsels, in drawing closer together the bonds of friendship. His expression is, "if it be not improper;" showing that he himself doubted the policy, but, at the same time, was willing to submit the subject to consideration.

In all the invitations to this meeting, including Mr. Salazar's, we are expressly told that it will not be expected that we shall take any step, or enter into any discussion or negotiation, which will have a tendency to interrupt our neutrality; that they desire our aid in discussing such topics, and settling such matters only as are of an interesting nature to us, and such as are of common interest to both countries.

Why should they desire an alliance, offensive or defensive, with us? The time when they needed our assistance is gone by. In the time of their struggles and conflicts, they might have imagined an alliance useful to them. But now, when not an enemy, not a Spanish bayonet, is to be found within their whole country; when the Allies of Europe have abandoned all designs against them; when England has become their friend—at least in commercial relations—what need have they for alliances, except among themselves? Spain is unable to renew the war; no war, in fact, exists—it is but in name. So weak and powerless is the Government of Spain, that it has had to renew its engagements to retain the French troops within its territories, to sustain Ferdinand on the throne.

The South American Republics need no alliances with us; they want none; and if they did I should be unwilling to agree to it. The President has expressly told us that none would be contracted, or entered into; and, before he would accept the invitation, he tells us that,

"among the inquiries which were thought entitled to consideration before the determination was taken to accept the invitation, was that, whether the measure might not have some tendency to change the policy hitherto invariably pursued by the United States, of avoiding all entangling alliances, and all unnecessary foreign connections." Could any man have acted with more caution than the President has, before he would accept the invitation, to ascertain whether our acceptance, and sending Ministers, "might not have a tendency to change our policy?" And yet some gentlemen contend that there is reason to fear that the President intends to form alliances. Sir, the gentlemen in the opposition have placed themselves on difficult ground to be maintained, of arguing against facts. And, if the facts were not so glaring against them, yet, in support of their amendments, they would be bound at least to show, that the Republics of South America wished to enter into such alliance, and that the President intends it; they ought to show both; they can show neither: their argument stands without proof—opposed by the interests and true policy of both countries, and to the declaration of the President.

It is alleged, that one language has been held on the other side of the water, and another on this side, in regard to Cuba; and, by the way, I suppose, of adding weight to the charge, it is also said the letter of the Secretary of State to Mr. Middleton, which contains what was said over the water, was sent to the Senate and not to this House. Sir, there is neither inconsistency nor impropriety in the language used to Mr. Middleton, nor in withholding that paper from this House. In the communication to Mr. Middleton, the Secretary, in urging on Russia the necessity and importance of her interfering with Spain to get her to acknowledge the independence of the Southern Republics, as the only means Spain had of reserving the island of Cuba, tells Mr. Middleton, as much as this Government desires to see Cuba remain in the hands of Spain, yet the President does not see how the United States can rightfully interfere with force between Spain and the Republics, to prevent their taking it, if Spain obstinately persists in protracting the war. To the Government of Mexico, the Secretary says, the United States are unwilling to see Cuba pass from Spain, and requests they should desist from taking it; but he did not add that the United States could not rightfully interfere with force to prevent its transfer; and this is substantially (for I do not pretend to quote the language of the Secretary) the difference complained of, and so much dwelt upon, by some gentlemen in the opposition.

The object of the negotiation, on the part of this Government, was, to prevent Cuba changing masters, and to bring about a peace between Spain and the Republics, by getting Spain to acknowledge their independence. Cuba was in danger of being taken by Mex-

ico and Colombia. Russia was apprised of it, and told we could not use force to prevent the conquest; but, if Spain would acknowledge the independence of the Republics, and thereby make peace with them, that she would, by that means, be able to hold Cuba. This view of the subject, it was hoped, would induce Russia and France to interfere and prevail on Spain to do so—in order to suspend the enterprise against the island—until the result of the negotiation should be known. It was said to Mexico and Colombia, that the United States are unwilling to see Cuba pass from Spain, and we desire you to desist from taking it. Suppose the Secretary had said to Russia, after requesting her mediation with Spain on the subject, that this Government will not permit the Republics to take Cuba, where would have been the inducement to Russia to interfere, or for Spain to yield? Suppose he had said to Mexico, that, although the United States do not wish Cuba to pass out of the hands of Spain, yet, if you choose to take it, the President cannot see any ground upon which this Government can interfere; would there have been any inducement for them to have forbore to execute the enterprise they were preparing against Cuba? What ought to have been said? Precisely what was said—to Russia an open and candid view of the policy of this Government was stated; and to the Republics, the wish of this country in regard to Cuba was also fairly stated.

But the opinion that we could not rightfully interpose with force, to prevent their taking it, was withheld, leaving them to conjecture as to the course that would be pursued in case they made the attempt. The Republics want peace; Spain wants to retain Cuba; and Cuba seems to be the only means left by which Spain and the Republics can be brought to terms. The negotiation has been ably and properly conducted, upon fair and just principles, and the only impropriety I can see in the whole affair, is the publication of the letter to Mr. Middleton, pending so important a negotiation—a thing altogether unprecedented in the annals of our country. If the Senate, regardless of the interests of our country, have caused that letter to be published, it surely can form no ground for the enemies of the mission to Panama, to charge improper conduct on the President or Secretary. The reasons which influenced the President to withhold that letter from this House must be obvious; the Executive knew it ought not to be made public during the negotiation—it accompanied a confidential communication to the Senate. In the resolution of this House he was told that it was not desired he should send us any thing that, in his opinion, the public interest required he should not disclose. The communication to this House was understood as intended for the public as well as ourselves. He ought not, therefore, to have sent it to this House; and yet, strange as it may seem, he is charged on this floor with great impropriety

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for sending that document to the Senate, where it was expected to be kept from public view until the negotiation was ended, and for not sending it to this House to be made public. Sir, if he had done as the gentlemen complain he did not do, he most certainly would have done wrong—as it has, he has done right. After the publication of this document by the Senate, if the Republics of the South do not take Cuba, it will be altogether owing to their friendship and regard to the wishes and interests of this country. Before it was published they could not know but we would employ force to prevent their taking it—now they know we will not interpose. They have the strongest possible inducements to take it. It is a rich prize—but it is more: it serves Spain as a rallying point for offensive operations against Mexico, Colombia, and Guatemala, being situated near to each of these Republics. And so long as Spain holds that island, and continues the war, each of these Governments will be compelled to keep up a force to protect themselves from invasion from it; a force in each, more than competent to subdue Cuba. Neither can they tell at what moment an invasion may be attempted. And can we expect that they will continue to endure this expense, as well as the constant apprehension of invasion, merely to oblige us? Would we, placed in their situation, forbear to rid ourselves of such an expense and such an annoyance? And, if we would not, can we expect it from others, and can it be expected that we should make war against the Republics for Spain? We do not want the island of Cuba: it is contrary to our policy, to our settled principles, and our true interests, to have colonies; and it is a policy we shall adhere to so long as we shall entertain a due sense of our interests. No, sir, we do not want Cuba nor Canada. We would not have either to-morrow, if they were offered to us. We have territory enough for these fifty years at least; and we are happy and prosperous under our present policy; and I never wish to see it changed in that respect.

It is our interest that Cuba shall remain as it is. I deny the right of England or France, or any European power, to take Cuba—it is no point of annoyance to them—it does not lie contiguous to them; and our interest and safety admonish us it ought not to pass into the hands of any of the great maritime powers. They might be disposed to blockade the Mississippi, or create a system of monopoly in the island. It would be a convenient point from which to make invasions on the Southern States of our Union; and we must, therefore, take care it does not fall into such hands, peaceably nor forcibly. But, if it must pass from Spain, I cannot say with the gentleman from South Carolina, (Mr. HAMILTON,) that I would rather it should go into the hands of England. No, sir, if it must pass from Spain, and if it can go without a recurrence of the blood and confusion of St. Domingo, I had rather it should pass into the

hands of Mexico, who is our neighbor, and not our rival.

The House adjourned.

FRIDAY, April 14.

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The House having again resumed the consideration of the report of the Committee of Foreign Relations, approving the Mission to Panama, with the amendments proposing a qualification to the general expression of approbation thereof—

Mr. WEBSTER addressed the committee as follows:

Mr. Chairman: I am not ambitious of amplifying this discussion. On the contrary, it is my anxious wish to confine the debate, so far as I partake in it, to the real and material questions before us.

Our judgment of things is liable, doubtless, to be affected by our opinions of men. It would be affectation in me, or in any one, to claim an exemption from this possibility of bias. I can say, however, that it has been my sincere purpose to consider and discuss the present subject with the single view of finding out what duty it devolves upon me, as a member of the House of Representatives. If any thing has diverted me from that sole aim, it has been against my intention.

I think, sir, that there are two questions, and two only for our decision. The first is, whether the House of Representatives will assume the responsibility of withholding the ordinary appropriation for carrying into effect an Executive measure, which the Executive Department has constitutionally instituted? The second, whether, if it will not withhold the appropriation, it will yet take the responsibility of interposing with its own opinions, directions, or instructions, as to the manner in which this particular Executive measure shall be conducted?

I am, certainly, in the negative, on both these propositions; I am neither willing to refuse the appropriation, nor am I willing to limit or restrain the discretion of the Executive beforehand, as to the manner in which it shall perform its own appropriate constitutional duties. And, sir, those of us who hold these opinions have the advantage of being on the common highway of our national politics. We propose nothing new; we suggest no change; we adhere to the uniform practice of the Government, as I understand it, from its origin. It is for those, on the other hand, who are in favor of either or both of the propositions, to show us the cogent reasons which recommend their adoption. The duty is on them to satisfy the House and the country that there is something in the present occasion which calls for such an extraordinary and unprecedented interference.

The President and Senate have instituted a public mission, for the purpose of treating with foreign States. The constitution gives to the President the power of appointing, with the



consent of the Senate, Ambassadors, and other public Ministers. Such appointment is, therefore, a clear and unquestionable exercise of Executive power. It is, indeed, less connected with the appropriate duties of this House than almost any other Executive act, because the office of a public Minister is not created by any statute or law of our own Government. It exists under the law of nations, and is recognized as existing by our constitution. The acts of Congress, indeed, limit the salaries of public Ministers; but they do no more. Every thing else in regard to the appointment of public Ministers, their numbers, the time of their appointment, and the negotiations contemplated in such appointments, is matter for Executive discretion. Every new appointment to supply vacancies in existing missions, is under the same authority. There are, indeed, what we commonly term standing missions, so known in the practice of the Government, but they are not made so by any law. All missions rest on the same ground. Now the question is whether the President and Senate, having created this mission, or, in other words, having appointed the Ministers, in the exercise of their undoubted constitutional power, this House will take upon itself the responsibility of defeating its objects, and rendering this exercise of Executive power void?

By voting the salaries in the ordinary way, we assume, as it seems to me, no responsibility whatever. We merely empower another branch of the Government to discharge its own appropriate duties, in that mode which seems to itself most conducive to the public interests. We are, by so voting, no more responsible for the manner in which the negotiation shall be conducted, than we are for the manner in which one of the Heads of Departments may discharge the duties of his office.

On the other hand, if we withhold the ordinary means, we do not incur a heavy responsibility. We interfere, as it seems to me, to prevent the action of the Government according to constitutional forms and provisions. It ought constantly to be remembered that our whole power, in the case, is merely incidental. It is only because public Ministers must have salaries, like other officers, and because no salaries can be paid, but by our vote, that the subject is referred to us at all. The constitution vests the power of appointment in the President and Senate; the law gives to the President even the power of fixing the amount of salary, within certain limits; and the only question here is upon the appropriation. There is no doubt that we have the power, if we see fit to exercise it, to break up the mission, by withholding the salaries; we have power also to break up the court, by withholding the salaries of the Judges, or to break up the office of President, by withholding the salary provided for it by law. All these things, it is true, we have the power to do, since we hold the keys of the Treasury. But, then, can we rightfully exercise this power? The

gentleman from Pennsylvania, (Mr. BUCHANAN,) with whom I have great pleasure in concurring on this part of the case, while I regret that I differ with him on others, has placed this question in a point of view which cannot be improved. These officers do, indeed, already exist. They are public Ministers. If they were to negotiate a treaty, and the Senate should ratify it, it would become a law of the land, whether we voted their salaries or not. This shows that the constitution never contemplated that the House of Representatives should act a part in originating negotiations or concluding treaties.

I know, sir, it is a useless labor to discuss the kind of power which this House incidentally holds in these cases. Men will differ in that particular; and, as the forms of public business and of the constitution are such that the power may be exercised by this House, there will always be some, or always may be some, who feel inclined to exercise it. For myself, I feel bound not to step out of my own sphere, and neither to exercise nor control any authority, of which the constitution has intended to lodge the free and unconstrained exercise in other hands. Cases of extreme necessity, in which a regard for public safety is to be the supreme law, or rather to take place of all law, must be allowed to provide for themselves when they arise. Reasoning from such possible cases will shed no light on the general path of our constitutional duty.

Mr. Chairman, it is our fortune to be called upon to act our part, as public men, at a most interesting era in human affairs. The short period of your life, and of mine, has been thick and crowded with the most important events. Not only new interests and new relations have sprung up among States, but new societies, new nations, and families of nations, have risen to take their places, and perform their parts, in the order and the intercourse of the world. Every man, aspiring to the character of a statesman, must endeavor to enlarge his views to meet this new state of things. He must aim at adequate comprehension, and, instead of being satisfied with that narrow political sagacity, which, like the power of minute vision, sees small things accurately, but can see nothing else, he must look to the far horizon, and embrace, in his broad survey, whatever the series of recent events has brought into connection, near or remote, with the country whose interest he studies to serve. We have seen eight States, formed out of colonies on our own continent, assume the rank of nations.

This is a mighty revolution; and, when we consider what an extent of the surface of the globe they cover; through what climates they extend; what population they contain, and what new impulses they must derive from this change of Government, we cannot but perceive that great effects are likely to be produced on the intercourse and the interests of the civilized world. Indeed, it has been forcibly said, by the intelligent and distinguished statesman

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who conducts the foreign relations of England, that when we now speak of Europe and the world, we mean Europe and America; and that the different systems of these two portions of the globe, and their several and various interests, must be thoroughly studied and nicely balanced by the statesmen of the times.

In many respects, sir, the European and the American nations are alike. They are alike Christian States, civilized States, and commercial States. They have access to the same common fountains of intelligence; they all draw from those sources which belong to the whole civilized world. In knowledge and letters, in the arts of peace and war, they differ in degrees; but they bear, nevertheless, a general resemblance. On the other hand, in matters of government and social institutions, the nations on this continent are founded upon principles which never did prevail, in considerable extent, either at any other time, or in any other place. There has never been presented to the mind of man a more interesting subject of contemplation than the establishment of so many nations in America, partaking in the civilization and in the arts of the Old World, but having left behind them those cumbrous institutions which had their origin in a dark and military age. Whatsoever European experience has developed, favorable to the freedom and the happiness of man; whatsoever European genius has invented for his improvement or gratification; whatsoever of refinement or polish the culture of European society presents for his adoption or enjoyment—all this is offered to man in America, with the additional advantages of the full power of erecting forms of Government on free and simple principles, without overturning institutions suited to times long passed, but too strongly supported either by interests or prejudices to be shaken without convulsions. This unprecedented state of things presents the happiest of all occasions for an attempt to establish national intercourse upon improved principles—upon principles tending to peace, and the mutual prosperity of nations. In this respect, America, the whole of America, has a new career before her. If we look back on the history of Europe, we see how great a portion of the last two centuries her States have been at war for interests connected mainly with her feudal monarchies; wars for particular dynasties; wars to support or defeat particular successions; wars to enlarge or curtail the dominions of particular crowns; wars to support or dissolve family alliances; wars, in fine, to support or to resist religious intolerance. What long and bloody chapters do these not fill, in the history of European politics! Who does not see, and who does not rejoice to see, that America has a glorious chance of escaping at least these causes of contention? Who does not see, and who does not rejoice to see, that on this continent, under other forms of Government, we have before us the noble hope of being able, by the

mere influence of civil liberty and religious toleration, to dry up these outpouring fountains of blood, and to extinguish these consuming fires of war? The general opinion of the age favors such hopes and such prospects. There is a growing disposition to treat the intercourse of nations more like the useful intercourse or friends—philosophy, just views of national advantage, good sense, and the dictates of common religion, and an increasing conviction that war is not the interest of the human race—all concur to increase the interest created by this new accession to the list of nations.

We have heard it said, sir, that the topic of South American independence is worn out, and threadbare. Such it may be, sir, to those who have contemplated it merely as an article of news, like the fluctuation of the markets, or the rise and fall of stocks. Such it may be, to those minds who can see no consequences following from these great events. But, whoever has either understood their present importance, or can at all estimate their future influence—whoever has reflected on the new relations they introduce with other States—whoever, among ourselves especially, has meditated on the new relations which we now bear to them, and the striking attitude in which we ourselves are now placed, as the oldest of the American nations, will feel that the topic can never be without interest; and will be sensible that, whether we are wise enough to perceive it or not, the establishment of South American independence will affect all nations, and ourselves, perhaps, more than any other, through all coming time.

But, sir, although the independence of these new States seems effectually accomplished, yet a lingering and hopeless war is kept up against them by Spain. This is greatly to be regretted by all nations. To Spain it is, as every reasonable man sees, useless, and without hope. To the new States themselves, it is burdensome and afflictive. To the commerce of neutral nations, it is annoying and vexatious. There seems to be something of the pertinacity of the Spanish character in holding on in such a desperate course. It reminds us of the seventy years during which Spain resisted the independence of Holland. I think, however, that there is some reason to believe that the war approaches to its end. I believe that the measures adopted by our own Government have had an effect in tending to produce that result. I understand, at least, that the question of recognition has been taken into consideration by the Spanish Government; and it may be hoped that a war, which Spain finds to be so expensive, which the whole world tells her is so hopeless, and which, if continued, now threatens her with new dangers, she may, ere long, have the prudence to terminate.

Our own course, during this contest between Spain and her colonies, is well known. Though entirely and strictly neutral, we were in favor of early recognition. Our opinions were well

known to the Allied Sovereigns when in Congress at Aix-la-Chapelle, in 1818, at which time the affairs of Spain and her colonies were under consideration; and, probably, the knowledge of those sentiments, together with the policy adopted by England, prevented any interference by other powers at that time. Yet we have treated Spain with scrupulous delicacy. We acted on the case as one of civil war. We treated with the new Governments as Governments *de facto*. Not questioning the right of Spain to coerce them back to their old obedience, if she had the power, we yet held it to be our right to deal with them as with existing Governments in fact, when the moment arrived at which it became apparent and manifest that the dominion of Spain over these her ancient colonies, was at an end. Our right, our interest, and our duty, all concurred at that moment to recommend recognition—and we did recognize.

If, it is asked, we send Ministers to a Congress, composed altogether of belligerents, is it not a breach of neutrality? Certainly not: no man can say it is. Suppose, sir, that these Ministers from the new States, instead of Panama, were to assemble at Bogota, where we already have a Minister; their councils, at that place, might be belligerent, while the war should last with Spain. But should we, on that account, recall our Minister from Bogota? The whole argument rests on this; that because, at the same time and place, the agents of the South American Governments may negotiate about their own relations with each other, in regard to their common war against Spain, therefore we cannot, at the same time and place, negotiate with them, or any of them, upon our own neutral and commercial relations. This proposition, sir, cannot be maintained; and, therefore, all the inferences from it fail.

But, sir, I see no proof that, as between themselves, the Representatives of the South American States are to possess other than diplomatic powers. I refer to the treaties, which are essentially alike, and which have been often read.

With two exceptions, which I will notice, the articles of these treaties, describing the powers of the Congress, are substantially like those in the treaty of Paris, in 1814, providing for the Congress of Vienna. It was there stipulated that all the powers should send Plenipotentiaries to Vienna, to regulate, in general Congress, the arrangements to complete the provisions of the present treaty. Now, it might have been here asked, how *regulate*? How regulate in general Congress?—regulate by votes? Sir, nobody asked such questions; simply because it was to be a Congress of Plenipotentiaries. The two exceptions which I have mentioned, are, that this Congress is to act as a Council, and to interpret treaties; but there is nothing, in either of these, to be done, which may not be done diplomatically. What is

more common than diplomatic intercourse to explain and to interpret treaties? Or what more frequent than that nations, having a common object, interchange mutual counsels and advice, through the medium of their respective Ministers? To bring this matter, sir, to the test, let me ask, when these Ministers assemble at Panama, can they do any thing but according to their instructions? Have they any organization, any power of action, or any rule of action, common to them all? No more, sir, than the respective Ministers at the Congress of Vienna. Every thing is settled by the use of the word Plenipotentiary. That proves the meeting to be diplomatic, and nothing else. Who ever heard of a Plenipotentiary member of the Legislature?—a Plenipotentiary Burgess of a city?—or a Plenipotentiary knight of the shire?

We may dismiss all fears, sir, arising from the nature of this meeting. Our agents will go there, if they go at all, in the character of Ministers, protected by the public law, negotiating only for ourselves, and not called on to violate any neutral duty of their own Government. If it be so, that this meeting has other powers, in consequence of other arrangements between other States—of which I see no proof—still we are not party to these arrangements, nor can be, in any way, affected by them. As far as this Government is concerned, nothing can be done, but by negotiation, as in other cases.

I must now ask the indulgence of the committee to an important point in the discussion—I mean the declaration of the President in 1823. Not only as a member of the House, but as a citizen of the country, I have an anxious desire that this part of our public history should stand in its proper light. Sir, in my judgment, the country has a very high honor, connected with that occurrence, which we may maintain, or which we may sacrifice. I look upon it as a part of its treasures of reputation; and, for one, I intend to guard it.

Sir, let us recur to the important political events which led to that declaration, or accompanied it. In the fall of 1822, the allied sovereigns held their Congress at Verona. The great subject of consideration was the condition of Spain, that country then being under the government of the Cortes. The question was, whether Ferdinand should be reinstated in all his authority, by the intervention of foreign force. Russia, Prussia, France, and Austria, were inclined to that measure; England dissented and protested; but the course was agreed on, and France, with the consent of these other continental powers, took the conduct of the operation into her own hands. In the spring of 1823, a French army was sent into Spain. Its success was complete. The popular Government was overthrown, and Ferdinand re-established in all his power. This invasion, sir, was determined on, and undertaken, precisely on the doctrines which the allied monarchs had proclaimed the year before at

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Laybach; and that is, that they had a right to interfere in the concerns of another State, and reform its Government, in order to prevent the effects of its bad example: this bad example, be it remembered, always being the example of free Government. Now, sir, acting on this principle of supposed dangerous example, and having put down the example of the Cortes in Spain, it was natural to inquire with what eyes they would look on the colonies of Spain, that were following still worse examples. Would King Ferdinand and his allies be content with what had been done in Spain itself, or would he solicit their aid, and was it likely they would grant it, to subdue his rebellious American provinces?

Sir, it was in this posture of affairs, on an occasion which has already been alluded to, that I ventured to say, early in the session of December, 1823, that these allied monarchs might probably turn their attention to America; that America came within their avowed doctrine, and that her example might very possibly attract their notice. The doctrines of Laybach were not limited to any continent; Spain had colonies in America, and, having reformed Spain herself, to the true standard, it was not impossible that they might see fit to complete the work, by reconciling, in their way, the colonies to the mother country. Now, sir, it did so happen, that, as soon as the Spanish king was completely re-established, he did invite the co-operation of his allies in regard to South America. In the same month of December, 1823, a formal invitation was addressed, by Spain, to the courts of St. Petersburg, Vienna, Berlin, and Paris, proposing to establish a conference at Paris, in order that the Plenipotentiaries, there assembled, might aid Spain in adjusting the affairs of her revolted provinces. These affairs were proposed to be adjusted in such manner as should retain the sovereignty of Spain over them; and, though the co-operation of the allies, by force of arms, was not directly solicited, such was evidently the object aimed at.

The King of Spain, in making this request to the members of the Holy Alliance, argued as it has been seen he might argue. He quoted their own doctrines of Laybach, and he pointed out the pernicious example of America; and he reminded them that their success in Spain itself, had paved the way for successful operations against the spirit of liberty on this side the Atlantic.

The proposed meeting, however, did not take place. England had already taken a decided course: for, as early as October, Mr. Canning, in a conference with the French Minister in London, informed him, distinctly and expressly, that England would consider any foreign interference, by force or menace, in the dispute between Spain and the colonies, as a motive for recognizing the latter without delay.

It is probable this determination of the English Government was known here at the

commencement of the session of Congress; and it was under these circumstances, it was in this crisis, that Mr. Monroe's declaration was made. It was not then ascertained whether a meeting of the allies would, or would not, take place, to concert with Spain the means of re-establishing her power; but it was plain enough they would be pressed by Spain to aid her operations; and it was plain enough, also, that they had no particular liking to what was taking place on this side the Atlantic, nor any great disinclination to interfere. This was the posture of affairs; and, sir, I concur entirely in the sentiment expressed in the resolution of a gentleman from Pennsylvania, (Mr. MARK-LEX,) that this declaration of Mr. Monroe was wise, seasonable, and patriotic.

It has been said, in the course of this debate, to have been a loose and vague declaration. It was, I believe, sufficiently studied. I have understood, from good authority, that it was considered, weighed, and distinctly and decidedly approved, by every one of the President's advisers, at that time. Our Government could not adopt, on that occasion, precisely the course which England had taken. England threatened the immediate recognition of the provinces, if the allies should take part with Spain against them. We had already recognized them. It remained, therefore, only for our Government to say, how we should consider a combination of the allied powers to affect objects in America, as affecting ourselves; and the Message was intended to say, what it does say, that we should regard such combination as dangerous to us. Sir, I agree with those who maintain the proposition, and I contend against those who deny it, that the Message did mean something; that it meant much; and I maintain, against both, that the declaration effected much good, answered the end designed by it, did great honor to the foresight and the spirit of the Government, and that it cannot now be taken back, retracted, or annulled, without disgrace. It met, sir, with the entire concurrence, and the hearty approbation of the country. The tone which it uttered found a corresponding response in the breasts of the free people of the United States. That people saw, and they rejoiced to see, that, on a fit occasion, our weight had been thrown into the right scale, and that, without departing from our duty, we had done something useful, and something effectual, for the cause of civil liberty. One general glow of exultation—one universal feeling of the gratified love of liberty—one conscious and proud perception of the consideration which the country possessed of the respect and honor which belonged to it—pervaded all bosoms. Possibly the public enthusiasm went too far: it certainly did go far.

But, sir, the sentiment which this declaration inspired was not confined to ourselves. Its force was felt everywhere, by all those who could understand its object and foresee its

effect. In that very House of Commons, of which the gentleman from South Carolina has spoken with such commendation, how was it there received? Not only, sir, with approbation, but, I may say, with no little enthusiasm. While the leading Minister expressed his entire concurrence in the sentiments and opinions of the American President, his distinguished competitor in that popular body, less restrained by official decorum, more at liberty to give utterance to the feelings of the occasion, declared, that no event had ever created greater joy, exultation, and gratitude, among all the freemen in Europe; that he felt pride in being connected, by blood and language, with the people of the United States; that the policy disclosed by the Message became a great, a free, and an independent nation; and that he hoped his own country would be prevented by no mean pride, or paltry jealousy, from following so noble and glorious an example.

It is, doubtless, true, as I took occasion to observe the other day, that this declaration must be considered as founded on our rights, and to spring mainly from a regard to their preservation. It did not commit us, at all events, to take up arms, on any indication of hostile feeling by the powers of Europe towards South America. If, for example, all the States of Europe had refused to trade with South America, until her States should return to their former allegiance, that would have furnished no cause of interference to us. Or, if an armament had been furnished by the allies to act against provinces the most remote from us, as Chili or Buenos Ayres, the distance of the scene of action diminishing our apprehension of danger, and diminishing, also, our means of effectual interposition, might still have left us to content ourselves with remonstrance. But a very different case would have arisen, if an army, equipped and maintained by these powers, had been landed on the shores of the Gulf of Mexico, and commenced the war in our own immediate neighborhood. Such an event might justly be regarded as dangerous to ourselves, and, on that ground, to have called for decided and immediate interference by us. The sentiments and the policy announced by the declaration, thus understood, were, therefore, in strict conformity to our duties and our interest.

Sir, I look on the Message of December, 1823, as forming a bright page in our history. I will neither help to erase it, nor tear it out; nor shall it be, by any act of mine, blurred or blotted. It did honor to the sagacity of the Government, and will not diminish that honor. It elevated the hopes, and gratified the patriotism of the people. Over these hopes I will not bring a mildew; nor will I put that gratified patriotism to shame.

But how should it happen, sir, that there should now be such a new-born fear, on the subject of this declaration? The crisis is over; the danger is past. At the time it was made, there was real ground for apprehension: now,

there is none. It was then possible, perhaps not improbable, that the allied powers might interfere with America. There is now no ground for any such fear. Most of the gentlemen who have now spoken on this subject, were at that time here. They all heard the declaration. Not one of them complained. And yet, now, when all danger is over, we are vehemently warned against the sentiments of the declaration.

I now proceed, Mr. Chairman, to a few remarks on the subject of Cuba—the most important part of our foreign relations. It is the hinge on which interesting events may possibly turn. I pray gentlemen to review their opinions on this subject, before they fully commit themselves. I understood the honorable member from South Carolina to say, that, if Spain chose to transfer this island to any power in Europe, she had a right to do so, and we could not interfere to prevent it. Sir, this is a delicate subject. I hardly feel competent to treat it as it deserves; and I am not quite willing to state here all that I think about it. I must, however, dissent from the opinion of the gentleman from South Carolina. The rights of nations, on subjects of this kind, are necessarily very much modified by circumstances. Because England or France could not rightfully complain of the transfer of Florida to us, it by no means follows, as the gentleman supposes, that we could not complain of the cession of Cuba to one of them. The plain difference is, that the transfer of Florida to us was not dangerous to the safety of either of those nations, nor fatal to any of their great and essential interests. Proximity of position, neighborhood, whatever augments the power of injuring and annoying, very properly belong to the consideration of all cases of this kind. The greater or less facility of access itself is of consideration in such questions, because it brings, or may bring, weighty consequences with it. It justifies, for these reasons, and on these grounds, what otherwise might never be thought of. By negotiation with a foreign power, Mr. Jefferson obtained a province. Without any alteration of our constitution, we have made it part of the United States, and its Senators and Representatives, now coming from several States, are here among us. Now, sir, if, instead of being Louisiana, this had been one of the provinces of Spain proper, or one of her South American colonies, he must have been a madman that should have proposed such an acquisition. A high conviction of its convenience, arising from proximity, and from close natural connection, alone reconciled the country to the measure. Considerations of the same sort have weight in other cases.

An honorable member from Kentucky (Mr. WICKLIFFE) argues, that, although we might rightfully prevent another power from taking Cuba from Spain, by force, yet, if Spain should choose to make the voluntary transfer, we should have no right whatever to interfere.

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Sir, this is a distinction without a difference. If we are likely to have contention about Cuba, let us first well consider what our rights are, and not commit ourselves. And, sir, if we have any right to interfere at all, it applies as well to the case of a peaceable, as to that of a forcible transfer. If nations be at war, we are not judges of the question of right, in that war; we must acknowledge, in both parties, the mutual right of attack, and the mutual right of conquest. It is not for us to set bounds to their belligerent operations, so long as they do not affect ourselves. Our right to interfere, sir, in any such case, is but the exercise of the right of reasonable and necessary self-defence. It is a high and delicate exercise of that right; one not to be made but on grounds of strong and manifest reason, justice, and necessity. The real question is, whether the possession of Cuba, by a great maritime power of Europe, would seriously endanger our own immediate security, or our essential interests. I put the question, sir, in the language of some of the best considered State papers of modern times. The general rule of national law is, unquestionably, against interference in the transactions of other States. There are, however, acknowledged exceptions, growing out of circumstances, and founded in those circumstances. These exceptions, it has been properly said, cannot, without danger, be reduced to previous rule, and incorporated into the ordinary diplomacy of nations. Nevertheless, they do exist, and must be judged of when they arise, with a just regard to our own essential interests, but in a spirit of strict justice and delicacy also towards foreign States.

The ground of these exceptions is, as I have already stated, self-preservation. It is not a slight injury to our interest; it is not even a great inconvenience, that makes out a case. There must be danger to our security, or danger, manifest and imminent danger, to our essential rights, and essential interests. Now, sir, let us look at Cuba. I need hardly refer to its present amount of commercial connection with the United States. Our statistical tables, I presume, would show us that our commerce with the Havana alone is more in amount than our whole commercial intercourse with France and all her dependencies. But this is but one part of the case—not the most important. Cuba, as is well said in the report of the Committee of Foreign Affairs, is placed in the mouth of the Mississippi. Its occupation by a strong maritime power would be felt, in the first moment of hostility, as far up the Mississippi and the Missouri, as our population extends. It is the commanding point of the Gulf of Mexico. See, too, how it lies in the very line of our coastwise traffic; interposed in the very highway between New York and New Orleans. Now, sir, who has estimated, or who can estimate, the effect of a change which should place this island in other hands, subject it to new rules of commercial intercourse, or

connect it with objects of a different and still more dangerous nature? Sir, I repeat that I feel no disposition to pursue this topic, on the present occasion. My purpose is only to show its importance, and to beg gentlemen not to prejudice any rights of the country, by assenting to propositions which, perhaps, may be necessary to be reviewed.

And here I differ again with the gentleman from Kentucky. He thinks that, in this, as in other cases, we should wait till the event comes, without any previous declarations of our sentiments upon subjects important to our own rights or interests. Sir, such declarations are often the appropriate means of preventing that which, if unprevented, it might be difficult to redress. A great object in holding diplomatic intercourse, is frankly to expose the views and objects of nations, and to prevent, by candid explanation, collision and war. In this case, the Government has said that we could not assent to the transfer of Cuba to another European State. Can we so assent? Do gentlemen think we can? If not, then it was entirely proper that this intimation should be frankly and seasonably made. Candor required it; and it would have been unpardonable, it would have been injustice, as well as folly, to have been silent, while we might suppose the transaction to be contemplated, and then to complain of it afterwards. If we should have a subsequent right to complain, we have a previous right, equally clear, of protesting; and if the evil be one which, when it comes, would allow us to apply a remedy, it not only allows us, but it makes it our duty, also, to apply prevention.

But, sir, while some gentlemen have maintained that, on the subject of a transfer to any of the European powers, the President has said too much; others insist that, on that of the islands being occupied by Mexico or Colombia, he has said and done too little. I presume, sir, for my own part, that the strongest language has been directed to the source of the greatest danger. Heretofore, that danger was, doubtless, greatest, which was apprehended from a voluntary transfer. The other has been met as it arose; and, thus far, adequately and sufficiently met. And here, sir, I cannot but say, that I never knew a more extraordinary argument than we have heard on the conduct of the Executive on this part of the case. The President is charged with inconsistency, and, in order to make this out, public despatches are read, which, it is said, militate with one another.

Sir, what are the facts? The Government saw fit to invite the Emperor of Russia to use his endeavors to bring Spain to treat of peace with her revolted colonies. Russia was addressed on this occasion as the friend of Spain; and, of course, every argument which was thought might have influence, or ought to have influence, either on Russia or Spain, was suggested in the correspondence. Among other

things, the probable loss to Spain of Cuba and Porto Rico, was urged; and the question was asked, how it was or could be expected by Spain, that the United States could interfere to prevent Mexico and Colombia from taking those islands from her, since she was their enemy, in a public war, and since she pertinaciously, and unreasonably, as we think, insists on maintaining the war; and since these islands offered an obvious object of attack? Was not this, sir, a very proper argument to be urged to Spain? A copy of this despatch, it seems, was sent to the Senate, in confidence. It has not been published by the Executive. Now, the alleged inconsistency is, that, notwithstanding this letter, the President has interfered to dissuade Mexico and Colombia from attacking Cuba. That, finding or thinking that those States meditated such a purpose, this Government has urged them to desist from it. Sir, was ever any thing more unreasonable than this charge? Was it not proper, that, to produce the desired result of peace, our Government should address different motives to the different parties in the war? Was it not its business to set before each party its dangers and its difficulties in pursuing the war? And if, now, by any thing unexpected, these respective correspondences have become public, are these different views, addressed thus to different parties, and with different objects, to be relied on as proof of inconsistency? It is the strangest accusation ever heard of. No Government, not wholly destitute of common sense, would have acted otherwise. We urged the proper motives to both parties. To Spain we urged the probable loss of Cuba; we showed her the danger of its capture by the new States, and we asked her to inform us on what ground it was that we could interfere to prevent such capture, since she was at war with these States, and they had an unquestionable right to attack her in any of her territories; and especially she was asked how she could expect good offices from us, on this occasion, since she fully understood our opinion to be, that she was persisting in the war without or beyond all reason, and with a sort of desperation. This was the appeal made to the good sense of Spain, through Russia. But, soon afterwards, having reason to suspect that Colombia and Mexico were actually preparing to attack Cuba, and knowing that such an event would most seriously affect us, our Government remonstrated against such meditated attack, and to the present time, it has not been made. In all this, who sees any thing either improper or inconsistent? For myself, I think the course pursued showed a watchful regard to our own interest, and is wholly free from any imputation, either of impropriety or inconsistency.

Pains, sir, have been taken by the honorable member from Virginia, (Mr. Rives,) to prove that the measure now in contemplation, and, indeed, the whole policy of the Government

respecting South America, is the unhappy result of the influence of a gentleman formerly filling the chair of this House. To make out this, he has referred to certain speeches of that gentleman delivered here. He charges him with having become himself affected, at an early day, with what he is pleased to call the South American fever; and with having infused its baneful influence into the whole councils of the country.

If, sir, it be true, that that gentleman, prompted by an ardent love of civil liberty, felt, earlier than others, a proper sympathy for the struggling colonies of South America; or that, acting on the maxim that revolutions do not go backward, he had the sagacity to foresee, earlier than others, the successful termination of those struggles; if, thus feeling, and thus perceiving, it fell to him to lead the willing or unwilling councils of his country, in her manifestations of kindness to the new Governments, and in her seasonable recognitions of their independence; if it be this, which the honorable member imputes to him; if it be by this course of public conduct that he has identified his name with the cause of South American liberty—he ought to be esteemed one of the most fortunate men of the age. If all this be, as is now represented, he has acquired fame enough. It is enough for any man, thus to have connected himself with the greatest events of the age in which he lives, and to have been foremost in measures which reflect high honor on his country, in the judgment of mankind. Sir, it is always with great reluctance that I am drawn to speak, in my place here, of individuals; but I could not forbear what I have now said, when I hear, in the House of Representatives, and in this land of free spirits, that it is made matter of imputation and of reproach to have been first to reach forth the hand of welcome and of succor to new-born nations, struggling to obtain, and to enjoy, the blessings of liberty.

We are told that the country is deluded and deceived by cabalistic words. Cabalistic words! If we express an emotion of pleasure at the results of this great action of the spirit of political liberty; if we rejoice at the birth of new Republican nations, and express our joy by the common terms of regard and sympathy; if we feel and signify high gratification that, throughout this whole continent, men are now likely to be blessed by free and popular institutions; and if, in the uttering of these sentiments, we happen to speak of sister Republics, of the great American family of nations, or of the political systems and forms of Government of this hemisphere; then, indeed, it seems, we deal in senseless jargon, or impose on the judgment and feeling of the community by cabalistic words! Sir, what is meant by this? Is it intended that the people of the United States ought to be totally indifferent to the fortunes of these new neighbors? Is no change, in the lights in which we are to view them, to be

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wrought, by their having thrown off foreign dominion, established independence, and instituted, on our very borders, Republican Governments, essentially after our own example?

Sir, I do not wish to overrate—I do not overrate—the progress of these new States in the great work of establishing a well-secured popular liberty. I know that to be a great attainment, and I know they are but pupils in the school. But, thank God, they are in the school. They are called to meet difficulties, such as neither we nor our fathers encountered. For these, we ought to make large allowances. What have we ever known like the colonial vassalage of these States? When did we, or our ancestors, feel, like them, the weight of a political despotism that presses men to the earth, or of that religious intolerance which would shut up heaven to all but the bigoted? Sir, we sprung from another stock. We belong to another race. We have known nothing—we have felt nothing—of the political despotism of Spain, nor of the heat of her fires of intolerance. No rational man expects that the South can run the same rapid career as the North; or that an insurgent province of Spain is in the same condition as the English colonies when they first asserted their independence. There is, doubtless, much more to be done, in the first than in the last case. But, on that account, the honor of the attempt is not less; and if all difficulties shall be in time surmounted, it will be greater. The work may be more arduous—it is not less noble, because there may be more of ignorance to enlighten, more of bigotry to subdue, more of prejudice to eradicate. If it be a weakness to feel a strong interest in the success of these great revolutions, I confess myself guilty of that weakness. If it be weak to feel that I am an American, to think that recent events have not only opened new modes of intercourse, but have created also new grounds of regard and sympathy between ourselves and our neighbors; if it be weak to feel that the South, in her present state, is somewhat more emphatically part of America than when she lay obscure, oppressed, and unknown, under the grinding bondage of a foreign power; if it be weak to rejoice, when, even in any corner of the earth, human beings are able to get up from beneath oppression, to erect themselves, and to enjoy the proper happiness of their intelligent nature; if this be weak, it is a weakness from which I claim no exemption.

A day of solemn retribution now visits the once proud monarchy of Spain. The prediction is fulfilled. The spirit of Montezuma and of the Incas might now well say,

“Art thou, too, fallen, Iberia? Do we see  
The robber and the murderer weak as we?  
Thou, that has wasted earth, and dared despise  
Alike the wrath and mercy of the skies,  
Thy pomp is in the grave; thy glory laid  
Low in the pit thine avarice has made.”

Mr. Chairman, I will detain you only with

one more reflection on this subject. We cannot be so blind, we cannot so shut up our senses and smother our faculties, as not to see that, in the progress and the establishment of South American liberty, our own example has been among the most stimulating causes. That great light—a light which can never be hid—the light of our own glorious revolution, has shone on the path of the South American patriots, from the beginning of their course. In their emergencies, they have looked to our experience. In their political institutions, they have followed our models. In their deliberations, they have invoked the presiding spirit of our own liberty. They have looked steadily, in every adversity, to the GREAT NORTHERN LIGHT. In the hour of bloody conflict, they have remembered the fields which have been consecrated by the blood of our own fathers; and when they have fallen, they have wished only to be remembered with them, as men who had acted their parts bravely, for the cause of liberty in the Western World.

Sir, I have done. If it be weakness to feel the sympathy of one's nature excited for such men, in such a cause, I am guilty of that weakness. If it be prudence to meet their proffered civility, not with reciprocal kindness, but with coldness or with insult, I choose still to follow where natural impulse leads, and to give up that false and mistaken prudence, for the voluntary sentiments of my heart.

The committee then rose, and the House adjourned.

SATURDAY, April 15.

*Mission to Panama.*

The House having again resumed the consideration of the report of the Committee of Foreign Relations, approving the mission to Panama, with the amendments proposing a qualification to the general expression of approbation thereof—

Mr. CARTER took the floor, and spoke as follows:

Mr. Chairman: The subject at present before the committee is entitled, as well from its great importance as from its entire novelty, to the most deliberate and candid consideration. From the fullest reflection which I have been able to bestow upon it, aided by the documents which are before us, I have come to the conclusion that the resolution reported by the Committee on Foreign Relations is one which is at variance with the best interests of this country, and involves in it a departure from that neutral policy which has hitherto governed our public councils. If this be true, which I shall attempt presently to show, this committee ought, certainly, to withhold its sanction from such a measure.

To the Executive has the constitution confided the sole and exclusive superintendence of our foreign peaceful relations. I say peace-



ful, because the power of declaring war being vested in both branches of the Legislature, Congress may be said to divide the responsibility of the Executive, when the country is to assume a hostile attitude with regard to any foreign power. But so far as the consequences of this mission can at present be foreseen and contemplated, it would be assuming too much to say, that war is to be immediately and necessarily the result; that this House, in consequence of its general agency in declaring war, would have a right to interfere with the constitutional functions of the President, and say, that the negotiations or deliberations at Panama should be limited to such topics, or restricted on all topics, to be discussed there, in such manner that the peace of the country should, in no possible event, be endangered. The House of Representatives ought not to place itself in the attitude of giving counsel to the President, or instructions to any public functionary, either at home or abroad, without the power of enforcing them. Self-respect ought to restrain this House from registering any remonstrance, or other declaration, which is to prove inoperative. If any object, valuable to the safety or interests of the country, the acquisition of which the President promised himself, at the Congress of Panama, should, by reason of his recognizing the force of the limitation proposed by this amendment, be put beyond his reach, he would not only be at liberty to disregard it, but he would be bound, by the double allegiance which he owed to the constitution and to the country, to do so. If the mission, therefore, be sanctioned by the House of Representatives, the control of our agents there must be left entirely to the Executive.

There prevails a great diversity of opinion as to the objects of this Congress. The treaty stipulations which have been made between Colombia and four of her sister Republics, confine its objects to a few topics of primary interest, exclusively affecting the South American States who were formerly subject to the Spanish yoke. The three Spanish American Ministers who have invited the United States to send a deputy there, extend their views to other objects, not embraced in those stipulations; and the President indulges himself in still greater latitude, as to the objects of the Congress, and declares, that the purposes of the meeting being "somewhat indefinite, so far from being an objection to it, is among the cogent reasons for its adoption."

An honorable gentleman from Pennsylvania, (Mr. BUCHANAN,) who addressed the committee a few days ago, seemed to think this Congress had placed the United States in an exceedingly embarrassing dilemma. They were to be committed if they went into it, and if they stood out, they were to subject themselves to inconveniences hardly less deplorable than an absolute surrender of our neutral character. And thus, apprehensive of mischief, from taking either side of the dilemma, he has converted

his perplexity into a sufficient cause for the United States to send deputies there, for the purpose of inducing the South American Ministers to dissolve their meeting, and return to their homes, without accomplishing the objects which brought them together. Can the gentleman be serious in his opinion? Does he call to mind the length of time and the concert with which the South American Republics have deliberated on this project? Worthy as Messrs. Anderson and Sergeant no doubt are, of the confidence of the Executive, it is ascribing rather too much to their persuasive powers, to imagine that they could, so readily, by exerting them, induce these Republics thus to relinquish and forego all the benefits they had promised themselves from so long-cherished a design.

It has been said, too, that the mere act of sending representatives to this Congress, cannot commit the neutrality of this country. This affirmation is founded on the assumption that either the Congress is not belligerent in its character; or that, if it be so, the United States are not, in their representation there, to be so far identified with it, as to assume a belligerent aspect. Now, sir, what is the condition of these South American States? Are they not engaged in open war against Spain? And do not the treaties which have been laid on our tables point out the organization of means of resisting any attempt, on the part of Spain, or any power in alliance with her, to bring them back to their former condition of dependence, as the principal object to be accomplished by this meeting? In truth, the meeting has no other object but to consider of the most advisable means for rendering their confederacy firmly cemented, and permanent in its duration. And if Spain, with whom we are now on terms of friendship, should take offence at the attitude we should assume at Panama, it would not be competent for us to say to her, in vindication of our conduct, that we took no part in any deliberations which imported hostility to her. It could not be in the mouths of our deputies, to reply to any remonstrance against their presence in this Congress, to say that they belonged to the peace side of the assembly. If the character of the Congress is to be ascertained by the character of the topics they are to discuss, and those topics are partly peaceful and partly belligerent, the aggregate character must be determined by the predominance of the objects which shall engage their attention. And in point of importance to the States themselves, it is unquestionable that the preparation of their just means of resistance to any attempt which may be made against their independence, constitutes the main and most interesting subject for their consultation. Every thing relating to this leading object of their meeting, will import direct hostility to Spain; and, therefore, impress a belligerent character on the Congress.

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It has been said by another gentleman from Pennsylvania, (Mr. WURRA,) that now, since the South American States have virtually achieved their independence, and wielded their arms successfully against their oppressor, that they will be in danger of turning them against each other, and wasting their energies in intestine wars; that it is the invariable law of all Confederacies, to be held together by a sense of common danger without, and that, as soon as this exterior pressure is removed, the separate members become victims to exhausting dissension among themselves: the United States may, therefore, be of incalculable advantage to these new Republics, by giving them timely admonition against this evil, and turning their resources in a different direction. The gentleman has greatly mistaken the office of our deputies there, if he imagines that on subjects like these, they would be prepared to impart any valuable lessons. Before the new States could be successfully warned against these fatal tendencies, their advisers must be intimately acquainted with their character. They must understand their habits; the state of general intelligence among them; the progress they have already made in the various departments of science and the arts; and a great variety of other requisites, before they could give any valuable advice as to the exact form of Government they ought to adopt. For it could only be by directing their minds to the proper forms of Government by which their resources could be developed, and their happiness secured, that the internal dissensions, to which the gentleman has alluded, could be prevented.

The President declares, in the opening of his Message, that "*the first and greatest inducement*" which operated upon him for accepting this invitation, was, to meet, in a spirit of kindness and friendship, an overture made in the same spirit by three sister republics. From this amiable and laudable feeling of the Executive, no one can dissent. But, sir, how will you be surprised to hear him, almost in the next breath, declare, that *objects of the highest importance, not only to the future welfare of the whole human race, but bearing directly upon the special interests of this Union, will engage the deliberations of the Congress of Panama, whether we are represented there or not!* Can objects like these be postponed to mere courtesy and etiquette? Can such a sacrifice of the substance to the shadow be seriously defended?

Congresses of independent powers, meeting in times of profound peace, to concert political measures, have lately come into fashion. We have heard of councils of bishops, and other ecclesiastical magistrates, meeting in former times to regulate the concerns of the church. And so intimately blended, in those days, were the affairs of church and state, that those reverend fathers extended their guardian care, in some instances, to political concerns. In later times, we have beheld the powers of Europe, after having drenched the continent with

blood, and wearied themselves in the work of devastation, meeting for the purpose of a general pacification, and restoring quiet to the world. Sometimes, at such meetings, they *have stipulated* arrangements for the preservation of the balance of power on the continent. But it was not until our day that kings and emperors found themselves under the necessity of confederating together, and opposing their united counsels to the progress of free principles and systems of self-government. The disastrous light which the French Revolution shed upon the fetters which bound the people, while it inspired them with the hopes of release, struck a panic into their masters,

"With fear of change perplexing monarchs."

They saw, with alarm and consternation, the instability of their thrones. They looked around upon each other, in this crisis, for the means of defending themselves against a danger which threatened them all alike. And in this absolute and uncompromising necessity, which threatened the extinction of thrones and crowns, we are to look for the origin of the late political Congresses of Europe. And are we under any necessity of imitating their example? Are not our institutions a sufficient guarantee for the devotion of the people to them, and that they will stand by them in every emergency, and pour out their blood in their defence?

The structure of our Government forbids the imitation of such an example. The powers of Europe, who were represented at the Congresses of Vienna, Troppau, and Laybach, had no Senates to consult, for the ratification of any treaty into which they might enter. No popular assemblies, who were the exact mirrors of a people, peaceful in their habits, peaceful in their policy, and peaceful in every thing which entered into the formation of their character, interposed themselves to the execution of any scheme, either for the security or the aggrandizement of the crown. Their will was the law of their dominions. They had unbounded control over the finances and military forces within their territories. They were, therefore, enabled strictly and promptly to perform whatever engagements they took upon themselves. Congresses, of the description of that proposed to be held at Panama, are, therefore, suitable and convenient engines in the hands of Governments strictly monarchical in their formation. They furnish facilities for the execution of great designs, in which the parties to them have a common interest.

But, sir, we have Ministers residing already at most of the courts whose Governments are to be represented at Panama. They can accomplish, in the ordinary way of separate negotiation, all the objects which are important to the United States. It is in vain to speculate upon the "*harmonious and systematic*" manner in which objects could be attained, when all the Republics of this continent were represent-

ed, each having its own separate and contrariant interests to reconcile and preserve. Indeed, sir, the very fact that so many and such opposite interests shall be pressing upon the members of this Congress, and demanding their share in the deliberations of the Representatives of eight or ten distinct, independent powers, so far from promising a successful result, seems to me to present such embarrassment and difficulty as would forever defeat such a result. Some gentlemen, who have spoken in this debate, seem to imagine, that there were no other means by which the United States could enter into any commercial arrangements, or any other stipulations of a mutually beneficial sort to the Governments concerned, except by our Representation at Panama; that this Congress furnished an opportunity, tempting as it was fleeting, to obtain all the advantages which we could desire in our future intercourse with the South American States; and that the refusal of this country to send Representatives there, would be an act bordering upon infatuation! Such gentlemen suffer the ardor of their feelings to disturb the correct decision of their judgment of the character of this Congress, and of the attitude occupied at this time, by this country, in relation to these southern Republics. We have already entered into friendly and commercial treaties with many of them, and the door is still open to the formation of others on the same terms.

W<sup>r</sup>. WREMS addressed the committee as follows:

Mr. Chairman: The President, in his Message to the Senate, has stated, that "the Governments of the Republics of Colombia, of Mexico, and of Central America, had, severally, invited the Government of the United States to be represented at the Congress of American nations, to be assembled at Panama, to deliberate upon subjects of peculiar concernment to this hemisphere, and that this invitation had been accepted." And goes on to state, that, "Although this measure was deemed to be within the constitutional competency of the Executive, I have not thought proper to take any step in it, before ascertaining that my opinion of its expediency will concur with that of both branches of the Legislature; first, by the decision of the Senate upon the nominations to be laid before them; and, secondly, by the sanction of both Houses to the appropriations, without, which it cannot be carried into effect." I will pause, here, sir, for a moment, to ask gentlemen, who appear such warm supporters of Executive recommendations as to justify, in their opinion, the charge (I will not say charitably, but illiberally) extended to those who are sufficiently independent to think for themselves, of being a factious opposition to the Administration—what, Mr. Chairman, I will ask, was the Chief Magistrate's inducement thus to have expressed himself? I will undertake to answer the question, sincerely and honestly, as I believe in my conscience. Knowing, as Mr. Adams

does, and no man knows better, the powerful effect of usage, that, in many cases, it amounts to law, he conceived it to be his duty (I mean to himself, sir,) to remind the Representatives of the people that we still possess the power (uninterrupted usage, if you please, to the contrary, notwithstanding,) of granting or not the appropriation called for; and feeling, certainly, as he must, the very great doubts that do exist as to the advantages contemplated to result from this, to say the most you can for it, doubtful project, he unquestionably intended it, as has been very properly advanced by the honorable mover of the resolution now under debate, to draw from this House a fair and candid expression of their opinion; and I verily believe, sir, the President will feel himself greatly relieved, hereafter, by the passage of these resolutions; which opinion would induce me, feeling not otherwise than friendly disposed to the Administration, if I had no other reason, to vote for the amendments. I would ask another question, sir: What, short of discomfiture to the President's feelings, if not disgrace to the country, will be the issue, if, on the arrival of the Representatives to this Congress at Panama, from these United States, instructed, as the opponents to the amendments profess to believe the President now stands pledged to the nation they shall be, the Representatives from the South American States shall reject them, upon the ground that the Ministers have not come there with such expressed instructions in their credentials, as had been previously represented as indispensably necessary, by all three of the South American States? Mr. Obregon, in his letter to Mr. Clay, dated at Washington, on the 3d of November, 1825, states, (what the other Ministers all state.) "The underwritten Minister Plenipotentiary has the honor of informing the honorable Secretary of State, that he has communicated to his Government the conversations which occurred between them on his making known to him the determination of the Governments of Colombia and Mexico to form a Congress of Representatives from the new States of the continent, who, to that end, had been invited, in which were to be discussed subjects of general interest to all the American powers, as well as those which might be particularly suggested by the existence and actual position of the new powers, and in the meeting of which it was thought proper, by the Government of the subscriber, that the United States of America, by means of their Commissioners, should constitute and take part, as being so much interested in the first and principal subject upon which the Congress would be engaged. In consequence of which, being informed of the concurrence of this Government, in the idea of discussing the first point in a Congress, as was desired, and that it would send Representatives to it, under condition that the neutrality in which it stood towards Spain should not be violated, and that it should be invited thereto by the Republics of Mexico and

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Colombia, who should, moreover, signify the affairs with which it was to be occupied, to promote its object, and the necessary uniformity of credentials or authorization of the respective Representatives, the President of the United States of Mexico has charged and commissioned anew the underwritten to make the invitation, and to point out the affairs as stated." Now, sir, what do we find here set forth? Why, that this Mexican Minister, in a conversation with the Secretary of State, last Spring, mentioned the intention of the South American States to hold a Congress at Panama. That is, that Mexico and Colombia had so determined, and had invited the new States to join them, and that his Government thought the United States ought to constitute and take part, on being informed of the concurrence of this Government upon the conditions as recited. Here, Mr. Chairman, we have the whole secret of this warm and very earnest invitation, now contended for as coming from the three South American States, reduced to a mortifying fact that the invitation came from Mr. Clay. We find, in a very few days after this, Mr. Clay informs Mr. Oregon of the concurrence of our Government with the plan, and that we would send Representatives on certain conditions, enjoined, as Mr. Clay states, by the President. The words of Mr. Clay are: "I stated to you, by the directions of the President, that it appeared to him to be necessary, before the assembling of such a Congress, to settle between the different powers to be represented several preliminary points, such as the subjects to which the attention of Congress should be directed, the substance and form of the powers to be given to the respective Representatives, and the mode of organizing the Congress: that, if these points should be satisfactorily arranged, the President would be disposed to accept, in behalf of the United States, the invitation with which you were provisionally charged." Now, sir, here we have the wise and prudent caution that was to have been looked for from Mr. Adams. But, sir, Mr. Adams is a man, liable, like others, to be led away, by degrees, into error and mistake: so, in this business, Mr. Clay and himself had, before this, become violently in love with each other—each, no doubt, loving himself most, and, agreeably to an old adage, we not only see that, when friends fall out they become the most bitter enemies, but, in the same ratio, when bitter enemies become friends, they are apt to become equally violent; very warm and fast friends. So much so is it with Mr. Adams and Mr. Clay, that the latter, although created by the former, has, by his strong and powerful eloquence, gained an ascendancy, it would seem, over him. Mr. Chairman, whilst at this point, allow me to give my political creed, although I detest creeds and confessions everywhere; yet, sir, it has become so fashionable here that I must give into it, although by no means a fashionable man. I consent the more readily, however,

to do this, as mine is a very short one. When, as a private citizen, I was last constitutionally called on to vote for two electors of President and Vice President, I certainly did not vote for those offering, who had declared in favor of Mr. Adams. I considered it was time we should select our President from the body of the people. I felt unwilling any longer to continue the practice, so long in use, of taking the Secretary of State, lest it would, at last, by usage, become law; and thus a legitimate claim to the Presidency be set up by that officer, who is only a creature of the President, selected by him as Secretary of State, and not by the people—therefore, it was worse than folly to call a President, so made, the President of the people, when the people did not select him; when he was not their choice; but, in reality, the President elect, so soon as appointed by the President his Secretary. When the people have been thus deprived of the right of choosing who they would vote for, I would not, as one of them, give a brass farthing for the trouble of going miles to the polls to vote for the choice of a few dictators of the country. Nay, sir, the President elects his successor now, when he selects his Secretary of State. This has been the case, in fact, ever since the election of Mr. Jefferson. I thought it time to put a stop to it, or for the people at once to be allowed to elect the Secretary of State, with an eye single to his succeeding to the Presidency, after a diplomatic education of eight years—if, indeed, such an education was to be considered indispensable. But, as I did not, by any means, think it was, I preferred lending my aid in abolishing this abhorrent, because uninterrupted usage, of taking the Secretary of State, and no one else. I, therefore, gave my vote to those electors in favor of General Andrew Jackson—a man, if not as much of a diplomatist as Mr. Adams, yet sufficiently so; and, what was much better, we knew him to be friend and patriot, not intending to say that Mr. Adams is not one. Sir, next to the immortal Washington, Jackson has been made, under God, the political saviour of his country. But he was not elected, although he received a much greater number of votes than either of the other candidates. Yet he did not receive the number required by the constitution. The three highest, therefore, on the list, came here, and the present incumbent, Mr. Adams, was elected by Congress; he, therefore, became constitutionally the President of the United States. As such, I respect him—as such, I hold it my duty, as one of the Representatives of the people, to afford him every assistance in my power, to meet, with honor to himself and advantage to our country, every particle of that high responsibility which he holds and stands bound to redeem. In a word, to act towards him, as I would have him act towards myself, were we to change situations. Consequently, I shall continue to vote, as I have done, for every measure called for, that I do not, in my conscience, believe dangerous or in-

jurious to my country. Further than this, had the man of my choice been elected, I would not go. After this candid, honest confession of my faith, sir, I hope no man here, or elsewhere, will charge me with faction; if he does, I will respond miscreant to the assertion, or to the thought, if I could come at it. I have other duties, also, to attend to, which I must and will be equally honest in the discharge of; and, should any thing that I may say on this floor, now, or at any other time, be felt or received unpleasantly, I would have all remember that I intend not to make a wound unnecessarily any where; but, when it be necessary, for the good of my country, the safety of our rights, or the liberty of the people, I shall not regard the length, the depth, or width, of such a wound.

Mr. Chairman, I will not detain the committee to hear any remarks upon the subject of Cuba or Porto Rico. I will leave that to my honorable friend from Delaware, who, I believe, will place that, like every other part of the subject, in the clearest possible point of view. One general remark, however, I will make, and it is this: that, if our Government does patiently stand by and suffer either of the European powers, or the South American States, to convert Cuba or Porto Rico into another Hayti, without using all the moral and physical force of this country to prevent it, they will deserve to be handed over to that newly-discovered diplomatic jack-catch we not long since heard of—"Heaven's hangman." With these remarks, sir, I shall first vote for the amendment, and, if carried, so as to stand recorded on your journals, I will vote for the appropriation. With my thanks to this honorable committee for that unexpected share of attention they have afforded me, I shall endeavor to feel contented with the faint attempt I have made to discharge my duty—I wish it was in my power to do more.

MONDAY, April 17.

The Senate's amendments to the "bill further to amend the Judicial system of the United States," were, on motion of Mr. WEBSTER, referred to the Committee on the Judiciary.

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The House having again resumed the consideration of the report of the Committee of Foreign Relations, approving the Mission to Panama, with the amendments proposing a qualification to the general expression of approbation thereof—

Mr. FORSYTH then rose, and addressed the committee as follows:

Mr. FORSYTH said, the subject before the committee is one of great interest—it is surrounded by illusions, which render it difficult to decide upon it correctly. To dissipate these illusions will be an easy task, which, if successfully performed, will render it impossible that the people should be led into an erroneous judgment.

There are but too many like the gentleman from Pennsylvania, (Mr. WUERTS,) who conceive that this Mission to Panama is intimately connected with liberty and the amelioration of the condition of the great family of mankind. The President speaks of this Congress as if he were full of glorious anticipations; and in this, as in most other instances, his sentiments have been echoed by the committee of the House. The fact communicated with the Message received this morning, that the Plenipotentiaries of Brazil have been invited to this intended Congress, will be sufficient to correct the error of the gentleman, of the President, and of the committee. It cannot be expected that schemes favorable to free Governments are to be discussed with the assistance, or even in the presence of the Representatives of Don Pedro the First, of Brazil. Indeed, it appears from the papers communicated with the Message, that the Spanish American Governments are exceedingly anxious to remove all suspicion that such ideas are entertained by them. The theme of the Congress is to be American Independence of Spain and Portugal, not the freedom of mankind. A less excusable error is that of supposing that the Spanish American States imitated our example when they separated themselves from Old Spain. We broke the bonds that united us to the parent country, to escape oppression and to enjoy freedom. They, from hatred to France, and love of their own king. It was love for a despot in the person of Ferdinand the Seventh, the adored, and not hatred of despotism, which produced the first efforts to establish Spanish American Independence. The release of the dethroned monarch from his captivity in France, would have been followed by the reunion of the American States to the Spanish monarchy, but for the folly and madness of the restored Government. In this, as in numerous other cases recorded in history, the folly of despotism was, in the order of Providence, one of the chief causes of the moral improvement of the condition of man. While anxious to throw themselves into his paternal arms, the Spanish Americans found themselves compelled to wage a dangerous and doubtful contest, in order to escape the threatened vengeance of their monarch. Their efforts have been great, and their success glorious. As they advanced in victory, they merit praise for having had the sagacity to discover the value of our institutions, and the wisdom to adopt the forms and some of the principles of our constitution.

A more dangerous illusion, as it is flattering to our self-love, is that of supposing that all the movements of our Government in favor of the Spanish Americans have been prudently regulated with a view to promote the establishment of free Governments and liberal institutions. A brief reference to the most marked events from the first proposition, which related solely to Buenos Ayres, made by the present Secretary of State, until the recognition of all the

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Spanish American States was proposed by Mr. Monroe, will place this matter in its true light.

The first resolution on the subject of Spanish America, introduced by Mr. Clay, was proposed while all Spanish America, except Buenos Ayres, yet owned at least a nominal obedience to Spain. The resolution was successfully resisted in the House of Representatives, on a variety of grounds; the chief were that it was not yet ascertained that Buenos Ayres could maintain its independence—that the country was distracted by factions; the power of Spain had not been exerted against the revolutionary party. That the recognition would not be useful to the Patriots, our ports being open to them without a formal acknowledgment of their Government—it might be injurious to us to discover an unseasonable eagerness to decide on the yet doubtful question between them and Spain. An objection was also urged to the form of the proposition—it proposed, like the Greek resolution of the gentleman from Massachusetts, the appropriation of money to pay the expenses of a mission, when the President chose to institute it. It was urged, that it was not the duty of the House to stimulate, but to restrain, Executive patronage. The contest continued to be sustained with doubtful fortune in South America, until the year 1820. In the mean time, our long-protracted disputes with Spain were terminated by the treaty of 1819; out of which grew new difficulties and embarrassments, as Spain failed to ratify it. In the negotiation which preceded and followed that treaty, no steps were taken by the United States towards recognition, but the appointment of the Commissioners to Buenos Ayres and Chili, to collect information of the political and civil condition of those two countries. The Spanish Monarch was engaged, during this period, in preparation for formidable effort against the Revolutionists in the different parts of America. A force of 15,000 well-organized troops, under a leader of talent, experience, and reputation, was drawn together at Cadiz—the means of transportation actively collected—a negotiation with Portugal pressed, to obtain repossession of Monte Video, as a landing place and citadel for the Royal troops. The friends of Spanish America saw, with anxious foreboding, the gathering danger. The Spanish Americans were ill prepared to resist so formidable a force. They owed their escape from the expected peril and their subsequent signal triumphs, to the very source of their danger. The formidable army which threatened the annihilation of freedom in Spanish America, gave freedom to Spanish Europe; and the intended instruments of despotism were the champions of liberty. The imbecile despotism of Ferdinand sunk almost without a struggle, and the constitution of 1812 was restored. Patriotism was called from exile and from imprisonment, to preside over the movements of the restored system. Among the first acts of the new Government, was the abandonment of all attempts to reu-

nite, by force of arms, the ultra-marine Territory to the Spanish dominion.

Commissioners were appointed to visit the American Governments, hear their complaints, and, if practicable, reunite them under the constitution to the parent State. Bolivar and Morillo celebrated the armistice in Colombia with feasts and rejoicings—ate at the same table, and drank from the same cup. The question between Spain and Spanish America was entirely changed. It was no longer a contest between liberty and despotism, between the oppressing and the oppressed. It had become a mere question of political separation, interesting to us and to the world, but one in which the lovers of liberty might well feel sympathy for Old Spain, since her Government was more democratic and free than either of those then established in her former dominions. Her constitution was founded on the acknowledged sovereignty of the people, established representation on the basis of population, and offered to the Spanish Americans, on that basis, equality of rights, commercial, civil, and political. It would be unjust not to mention that the constitutional Government was distinguished by kindness and justice to the United States. Our imprisoned citizens, taken in arms in the ranks of the Spanish Americans, against Old Spain, were liberated—the Florida treaty ratified—the commercial code of Spain so changed as to remove all cause of just complaint.

It was under these circumstances that Mr. Clay's second resolution was proposed, and adopted by the House of Representatives: a resolution expressing a deep interest for the success of the American provinces struggling to establish their liberty and independence. The great cause of liberty, which the friends of freedom throughout the world anticipated would speedily triumph everywhere, if sustained in Spain and Portugal; and Italy was disregarded by the mover of this resolution, and those who voted for it, in their anxiety for the independence of the neighboring States. I shall not be contradicted when I assert, that the triumph of liberty in Europe would have been, if not certain, highly probable, if a firm union had been effected between Spain, Portugal, and their American dominions, and under free Representative Governments; that it would have been better for the cause of the human race had America been reunited to the peninsula under a free Government than separated, although free, if the peninsula was to be again subjected, by that event, to the ancient despotism. The efforts of the Cortes to induce the ultra-marine Territories to reunite under the constitution of 1812, were unsuccessful. The war was renewed, but with a different spirit, more worthy of the combatants. In Colombia the armistice was broken by Bolivar. Our Government continued to manifest a proper solicitude for the Spanish Americans, without forgetting what was due to Spain, free and in the midst of enemies. The policy of the Executive was, at every Session

of Congress, fairly expressed, and on no occasion more fully than at the opening of the Congress in the year 1821. After speaking of the successes of the Spanish American Governments during the preceding year, the President says, in the Message of the third of December: "It has long been manifest that it would be impossible for Spain to reduce these colonies by force, and equally so, that no condition short of their independence would be satisfactory to them. It may therefore be presumed, and is earnestly hoped, that the Government of Spain, guided by enlightened and liberal councils, will find it to comport with its interest, and due to its magnanimity, to terminate this exhausting controversy on that basis. To promote this result by friendly counsel with the Government of Spain, will be the object of the Government of the United States." This language could not be misunderstood. Friendly counsel with the Government of Spain, was the means intended to be used for the accomplishment of the desired result—the termination of the exhausting controversy on the basis of the Spanish American Independence: The Executive stood committed to Spain to give that counsel before any decisive step was taken by us on that great question. Spain had a right to expect it, after this volunteered declaration of the Chief Magistrate. How was this expectation met? Within three months from the date of the Message, without any material change in the state of the contest, and without advising with Spain, or, as far as I am informed, even giving notice of such an intention, the President, on the 8th of March, 1823, recommended, in a special Message, the recognition of the Spanish American States, and asked an appropriation of money to enable him to send Ministers to them—an instructive commentary on the doctrine of pledges contained in Executive messages, the more instructive as it proceeds from the author of them. Under what circumstances did this event occur? Buenos Ayres, Chili, and Colombia, were still without constitutions, under a species of military law. Mexico acknowledged the power of that miserable ape of European despots the Emperor Iturbide. Peru was the theatre of a sanguinary and uncertain contest. We embraced Imperial Mexico to the injury of constitutional Spain. Yes, sir, in the hour of her peril this measure was adopted, which, however defensible it may have been, as politic and necessary, was pernicious in its effect on the cause of freedom in Europe. The constitutional party in Spain were, at this period, in the most critical situation. Surrounded by armies without, and assailed within by all the artifices of priestly cunning, operating upon an ignorant and bigoted peasantry, they resisted, as they had done, the pressure upon them, by holding out to the people the hope of a reunion of the Spanish dominions under the Representative system—an event not to be effected if the ancient Government was restored. The language of the Patriots of the Cortes was, "the reunion

of all Spain under a free Government, or the independence and freedom of Ultramar." The recognition of the independence of Spanish America, by the United States, struck from the Spanish Patriots their best defence, and the blow was more fatal, as it was given by a free Government. The sequel of the history of the Spanish constitution is soon told; it fell before the united powers of domestic treachery and foreign force. Patriotism, and virtue, and innocence, and beauty, were again driven into exile from fair Spain, or cast into loathsome dungeons, while generous, romantic, and heroic valor, was dragged on a hurdle, with every mark of indignity bigotry and cruelty could devise, to the place of public execution. Liberty, flying from the fastnesses of Asturias, has not found a resting-place on the continent of Europe, yet still hovers over Greece, hoping to discover a refuge among the ruins of her ancient temples.

I do not, Mr. Chairman, mean to censure the policy which has been pursued, nor to enter into any examination of it. The Government has done what it believed its duty to the people of the United States, a duty which is too apt to be forgotten when we take the universe under our care, which is departed from when we legislate for the benefit of other nations. My purpose is answered, if I have shown to the committee that, in the recognition of Spanish America, we did not move in obedience to the love of liberty, or with a view to promote the extension of Representative Governments. Had the love of liberty only governed our actions, our views should not have been confined to Spanish America, or to America. Man is our brother, wherever he resides, and our feelings and wishes are as strong for his suffering in Asia, Africa, or Europe, as in America. What then did we look to? To our interests, which required a separation of the Spanish American Governments from each other and from Spain. The *character* of these Governments is to the people, for or by whom they are formed, of the first importance; to the people of the United States, of but a secondary consequence.

Having examined what the President proposes, touching this principle, let us see what he proposes on the other great subject with which the principle is remotely connected—the great subject of "European interference with the domestic concerns of American Governments." No such interference is, at this moment, dreaded or menaced. Why discuss the propriety or necessity of our resisting it? The gentleman from Massachusetts (Mr. WENSTER) says it must be discussed. The gentleman from Delaware (Mr. McLANE) says it must not be discussed. Both gentlemen err in supposing that there is any intention to discuss resistance, by the United States, of European interference. That part of the screw is already turned upon us. On that point we stand, in the opinion of the Spanish Americans, committed. The parties, speaking of our Execu-



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tive and the Spanish American Governments, are agreed upon it—we go to Panama under an invitation, in the language of the President, “to take into consideration the means of resisting interference from abroad with the domestic concerns of the American Governments. In alluding to these means, it would obviously be premature, at this time, to anticipate that which is offered merely as matter of consultation, or to pronounce upon those measures which have been or may be suggested.” We go to discuss means and measures of resistance. We are held pledged to resist European interference with the domestic concerns of the Spanish American States. That the United States are not pledged, is to us well known. We can be pledged only by treaty. But our neighbors think we are; they act under this delusion, and ought to be undeceived. To suppose that what has been done by this and the former Administration has imposed no obligation upon us, would be to commit an egregious mistake. What has been done, imposes upon us all the obligation the Executive could, by his own act, create. I speak not of the Message of 1823: I speak of the language of Mr. Poinsett, acting under the instructions of the Secretary of State: and of that of the Secretary of State, writing under the eye of the President. When nations speak, they mean something, as the gentleman from Massachusetts (Mr. WEBSTER) has emphatically said. Nations speak by their Ministers or Chief Magistrates. Our Minister to Mexico has said to that Government, we shall be compelled, in the event of European interference, to take the most active and efficient part, and to bear the brunt of the contest. It is alleged that this was done without instructions. Sir, look at the instructions, you will find his justification. He was instructed that this determination to resist European interference, was the basis of our policy towards the American States, to urge the Mexican Government to adopt the principles laid down in the Message of 1823—“the important principles of inter-continental law.” In the letters written to him, the Secretary of State speaks of the *memorable pledge* of Mr. Monroe. In the answer to the official communication of Mr. Poinsett, detailing his conversation with the Mexican Government, there is neither censure of the language used by him, nor caution to be more guarded in future. Indeed, it is perfectly clear that his conduct met the approbation of the Executive. The gentleman from Massachusetts (Mr. WEBSTER) thinks that Mr. Poinsett’s language was too strong, but that he put the Mexicans right in August; and what is conclusive proof that the Mexicans do not consider us any further pledged to them than England is, that the note written by the Mexican Secretary of State to our Minister and to the English Chargé d’Affaires, on the subject of the transfer of Cuba to France, were precisely alike. The gentleman, from an indistinct recollection

of dates and facts, has fallen into a great error. The *too strong* language of Mr. Poinsett was used on the 27th of September. The impression produced by it could not be corrected the preceding month. The notes to Messrs. Poinsett and Ward were, through the influence of Mr. Ward, at the *special instance* of Mr. Poinsett, “*verbatim et literatim*, the same.” If, in August, the Mexican Secretary thought he was authorized to demand our interference, what language will he not now hold since the memorable conversation of September? The declarations of our Ministers are alleged to have been mere argument—a simple reference to the past, not committing nor intended to commit us to any thing. These pretences will not serve. Our Minister spoke plainly and intelligibly, of existing obligation and future action, not of past intention. He spoke not of the dead past, but of the living present, and the pregnant future. How will we escape the consequences of the obligation the Executive has thus imposed upon the United States? If the event occurs which our Minister anticipated, can you deny the existence of *any* obligation? Or will you hazard the declaration that it is *only* an *imperfect* obligation? Or shall we find safety and honor in the puerile sophism of the Department of State, which seeks to avoid a fair conclusion by abusing a term? The Secretary of State asserts that Mr. Poinsett referred alone to a pledge of the character of that of Mr. Monroe’s declaration, “a pledge to ourselves and to our posterity.” Is this the meaning of Mr. Poinsett, when he declared, “what further we were ready to do in order to defend their (the Mexican’s) rights and liberties.” A pledge to posterity—a pledge to ourselves! How strange that vigorous and practised minds should resort to such defences! The existing generation but to often gives a pledge for posterity, which posterity is called upon to redeem. A pledge to posterity may always be given with perfect security. The party who only has the right to demand the redemption of a pledge, is he to whom it is given. Posterity can never make such demand until the present is united to the future.

Equally safe is a pledge to ourselves. The party holding the pledge can release it. If we ourselves should ever be so indiscreet as to call, at an inconvenient season, for the redemption of a pledge given by ourselves to ourselves, we ourselves can release ourselves from the obligation to redeem the pledge given by ourselves to ourselves. Could the genius of ridicule itself, by the use of words, produce a more whimsical confusion of ideas? “The people of the United States stood pledged to posterity and to themselves.” If we have given any pledge, it has been given to some power or powers, who have a right to hold it, until redeemed by us, or voluntarily surrendered by them. Mr. Monroe’s Message was no pledge, for it was addressed to no power. What it has become in the hands of the present Ad-



ministration, is another and distinct inquiry, into which I propose to enter, after I have endeavored to explain what that Message originally was. The circumstances under which it was prepared, furnish the best elucidation of it. After the suppression of free Governments, in Piedmont, Naples, and Spain, on the principles proclaimed by the Holy Allies, in the successive Congresses of Troppau, Laybach, and Verona, it was seriously apprehended that the allied sovereigns would extend their parental regards to this continent. This apprehension was the more reasonable, as the principles upon which France had just acted in Spain, in the suppression of the constitution, and the restoration of the despot, could, with great facility, be brought to justify an intervention between Spain and her revolted colonies—an intervention the Spanish monarch was informally soliciting, and which was expected to become the topic of discussion, at least, in Paris. England, who had remained a tranquil spectator of the outrages committed by organized and disciplined despotism, in Italy and Spain, had too deep an interest to remain silent when America was in question. To give decisive effect to the warning the British Minister had determined to give to the allied monarchs, he wished us to join in it. Our Minister to London was asked to make, in concert with England, a declaration to the allied sovereigns. Without instructions, Mr. Rush could not accede to this proposal; but, with a boldness highly honorable to his diplomatic character, he offered to take the responsibility of this measure, if Great Britain would place herself precisely in the same position as the United States, by an acknowledgment of Spanish American independence. As Mr. Canning was not prepared to go that length, the declaration was not made by us. No doubt (of this, however, I speak without certain authority) some official communications were made to the President, through the English representative in Washington. Coinciding with Britain in the policy of at once preventing, by an immediate movement, any allied intervention in the Spanish contest on this continent, the President, in place of an official note to the allies, expressed his opinions in his Message to Congress. This course was recommended by two very important reasons: we avoided by it any entanglement, the necessary consequence of our movement, if made in concert with another power; the other, and more decisive consideration, was, that, by a Message to Congress, while it would fully explain the views of the Chief Magistrate, this Government would be, as to its future course, least committed. What did the Message of 1823 assert? "That we should consider any attempt made by the European alliance, to extend their system to any portion of this hemisphere, as dangerous to our peace and security." That "we could not view any interposition for the purposes of oppressing" the Spanish American States, ac-

knowledgeed by us, "or controlling, in any other manner, their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States." To what system does the President allude? It is usually taken for granted, that he alludes to arbitrary Government; that he considered the establishment of such Governments on any part of this hemisphere, "as dangerous to our peace and security." A little reflection will show that this conclusion is erroneous. No President could have so degrading an opinion of our Government, or of the people, whose will created it, and whose valor will support it, as to believe that the existence of a despotic Government in any part of this hemisphere, is dangerous to our security. He who acknowledged the independence of the imperial Governments of Don Pedro of Brazil, and Iturbide of Mexico, with the same alacrity that he did the Republican Governments of Colombia, Chili, and Buenos Ayres, certainly did not entertain such an opinion. To what, then, did he allude? He alluded to the system established by the allies, as explained at their different Congresses, and as acted upon, formerly in France, and recently in Italy and Spain. He alluded to the system of interference, by an armed force, in the domestic affairs of nations, under the pretext of maintaining or restoring domestic peace, and placing the institutions of the invaded country on such bases as would afford salutary guarantees to the general tranquillity. The essential difference between our system and that of the allies, of which the President speaks, in the same Message, arises from our asserting, and uniformly acting on the principle on which our Government is erected, that every people have the right to regulate their own concerns in their own way; to live under such a Government as they may choose to establish; to change it at their pleasure, whenever a change is necessary to their happiness and prosperity. This principle is true everywhere; but, in the maintenance of it in Europe, we have but a remote—in the maintenance of it in America, a direct, interest. The law of self-defence requires us to act, whenever any combination of powers—Asiatic, African, European, or American—interferes with the domestic concerns of the American States. This was all that was rightfully asserted by the Message of 1823. The motive of interference does not enter into the question. If the interference was in a crusade against liberty, it was not "dangerous to our peace," but a direct attack upon us. If the crusade began at Patagonia, it would not end at Mexico. If, for the purposes of oppression, to gratify ambition, or to sustain the sinking cause of a cruel tyranny, the interference would be a gross wrong, which we, of right, might arm, and act to prevent. But what effect has the assertion of these principles, in an Executive Message, produced upon us? Has it proved their truth? Their truth

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had never been, and is not, doubted. Did it bind us to act upon them? We should, in case of necessity, have acted upon them, had they not been asserted; and we shall act upon them whenever an emergency may require it, without regard to the Message; and our mode of action will be precisely the same as if the Message never had been sent to us. How we shall act, will be decided by Congress, whose will is as completely unfettered, as if the Message never had been prepared, or its author never had existed. I speak, sir, of the Message, unconnected with the use subsequently made of it. What it has *now* become, I will show to the committee. Under the plastic hand of another artist, a Message of a President to Congress has been converted into a bond uniting our destiny to that of Spanish America. A declaration, founded on the law of self-defence, has been changed to a pledge of guardianship and protection of all the Spanish American Governments: the condemnation of the principles of the Holy Alliance, into the assertion of the right, in this continent, to act upon the same principles. Can gentlemen doubt that these changes have been wrought, or attempted? The correspondence with Mexico proves them beyond dispute. The last metamorphosis may be found in the instructions of the 25th of March, 1825, to Mr. Poinsett. Mr. Clay writes: "the political systems of the two continents (Europe and America) are essentially different. Each has the exclusive right to judge for itself what is best suited to its own condition, and most likely to promote its happiness; but neither has a right to enforce upon the other the establishment of its peculiar system."

Now, sir, strange as it may seem, here is the acknowledgment of the right of the allied sovereigns to do all that has been done by them in Europe, and the assertion of the right of any American alliance to do what it pleases on this continent. The exclusive continental right of regulating its own system, can only be exercised by the instrumentality of the power of the great nations occupying it. The Holy Allies have done no more than proclaim and act upon this doctrine, in Europe. Are we to copy their detestable example here? The principle asserted is equally false, applied to either continent; and equally false, however pure the motive of its application. Its apparent plausibility arises from assuming that to be true of a continent, occupied by many nations, which is true of each nation that occupies it. Every *nation* has the exclusive right to judge for itself what is best suited to its own condition. Any interference with that right, is equally detestable in principle, whether made by powers occupying the same or a different continent. No continent has a right to prescribe to the nations composing it any regulation whatsoever of its internal affairs. Connected with the proposed Mission to Panama, with the character of the assembly of nations which is to meet

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there, and the peculiar stipulation of the treaties formed touching the powers, or rather objects, of that assembly, this attempt to introduce this new term of *inter-continental* rights into the code of national law, is ominous of the intentions of our present Palinurus. It is to concert means of resisting European interference; these being considered as the principles of Mr. Monroe's Message, that we have been invited, and have consented to go to Panama. We go not to undeceive them; not to explain to them their mistake, in supposing us pledged to any efforts for the defence of their rights; but to discuss the question of means, as if the pledge existed in its full force, as presented to Mexico, by our Minister. Supposing no treaty engagement is made, what will be the effect of a formal discussion, and a formal agreement, recorded in the protocols of the Assembly? But the President does not tell us that he will not make a treaty. He says "a joint declaration of the character of the obtrusive interference from abroad, and the exposure of it to the world, may be, probably, all the occasion would require. Whether the United States should or should not be parties to such a declaration, may justly form a part of the deliberation." This declaration will be signed by our Ministers, if they think it expedient. That they will be pressed to join in it, cannot be doubted, when we reflect on the situation of the South American States. What will be the effect of such a joint declaration, to which we become parties, about which we shall not be consulted, nor will the Senate be asked for their advice? Will we not stand still more deeply involved than we now are? Am I not justified by this examination of this subject, in believing that the public interest requires no negotiation at Panama respecting it? It is not necessary to discuss how we shall exercise our discretion, when the lawless intervention of any power, European or American, in the domestic concerns of a neighboring State, shall impose upon us the necessity to act. Instead of discussing the propriety of our uniting in a declaration, our Ministers should go to extricate us from the embarrassments created by the imprudent diplomatic and Executive declarations already made; with orders to withdraw us from the eddy, not with the power to plunge us still deeper into the vortex of implied pledges to defend Spanish American rights and liberties.

We must not forget, Mr. Chairman, that the language of the President does not exclude the idea of forming a treaty on this, as well as on the other basis of the American system—colonization. Coinciding with the President, as they suppose, honorable gentlemen tell us that we must have Republics on this side the Atlantic. We *must* have Republics. How must we establish them? Our own Republic exists by popular will. Our will cannot control our neighbors, unless enforced by our power. Do we mean to force our American neighbors to be

free, contrary to their wishes? Gentlemen, in their infinite love of free institutions, abandon the first principles of our own institutions, and are prepared to imitate those alliances which they, at the same moment, condemn. Neither religion nor liberty can be, on just principles, propagated by the sword. These same gentlemen, while they join our committee in echoing the opinions of the President, that "great political interests will be discussed at Panama," that the decisions of our Ministers "will act on us" politically, also profess themselves perfectly satisfied that no entangling alliances are intended, or likely to arise out of the proposed mission. While I consider these opinions delusive, I ask gentlemen who entertain them—to explain how their intentions can be accomplished, how our political interests are to be guarded, without treaties with those whose decisions are so important to us, and upon those points especially which touch our political interests? Such treaties will necessarily expose the destiny of our country to the discretion of other nations. Every alliance is, in my judgment, entangling, which places our peace on the discretion or movements of any other Government, whether we are to play the part of guardians, allies, or auxiliaries. The President, and the honorable members of this House who justify his course, with one breath, deny the danger of entangling alliances, and, in the next, argue that they are inevitable.

Sir, on this subject of the form of the Governments on this side the Atlantic, no error more fatal to the future prosperity of this people could be committed than that of believing that our interests require us to act on different principles than those which have usually, if not always, regulated our Government. In the forms of the Governments of other nations we have no right to interfere; and it is indifferent where those nations live. America, Africa, Asia, Europe, are to us the same. We will that our Government shall be free. Let other nations exercise their will. If wisely, in copying our institutions, and conforming to our principles, they will secure their own prosperity and our respect; if madly, in copying the follies of the Hebrews, who were discontented without a king, let them suffer the appropriate penalty. The gratification of their wishes will bring with it the punishment for their absurdity. The very dangerous ideas of our Chief Magistrates, touching our future intercourse with the Governments of this continent, is forcibly illustrated by referring to another subject proposed to be submitted to the discretion of the Ministers who are to go to Panama—Religion. A subject the immortal authors of our constitution would not permit us to touch, is to be made a part of the instructions of our Chief Magistrate to this new mission. I will not take the pains to point out the change in the mind of the President, as exhibited in his Message to us and to the Senate, nor

to dwell on the fact that all the wishes of the President, as expressed in the Message to us, have been already accomplished, as regards those American Governments with whom we have already formed treaties, and that the correspondence with the other Governments does not show the smallest probability of any difficulty of succeeding to the same extent with those with whom we are yet negotiating; but I deem it important to press on the attention of the committee that our Chief Magistrates have considered it "as among the duties devolved upon us, in the formation of our future relations with our Southern neighbors, to use all the moral influence which we can exercise, whether of example, of friendly counsel, or of persuasion," to establish civil and religious liberty among them.

I confess to you, Mr. Chairman, that I was not prepared to expect a denunciation of privateering from Massachusetts; and when I look at the incidents of the Revolution and of the late war, I am filled with wonder that any politician of our country should desire to see it formally denounced by an assembly of nations. Of the fifteen hundred vessels taken from Great Britain during the late contest, balancing the account of her plunder of our citizens on the ocean, how many were captured by public armed ships? I should be happy to hear a fair explanation from the gentleman from Massachusetts, (Mr. WEBSTER,) who has addressed us on this subject of the difference, on moral principles, of capturing the private property of an enemy on the ocean by commissioned public vessels of war, and commissioned private vessels of war.

[Mr. WEBSTER said he had given no opinion.]

True, sir, the gentleman gave us no opinion; he gave us an argument in defence of the President's opinion, who "cannot exaggerate to himself the unfading glory with which the United States will go forth in the memory of future ages," if, through our moral influence, the South American States abolish private war on the ocean.

Mr. Chairman, I confess, without hesitation, that I am unwilling to surrender this powerful instrument of offensive defence; and what I am unwilling to surrender to a powerful maritime State I should be ashamed to ask of our feeble neighbors. Nor can I leave this subject without protesting against the injustice of the distinction made between a force prepared by the resources of the Government and that prepared by individual enterprise, controlled and directed by public law. As much gallantry, heroism, courtesy, and patriotism, have been displayed on the decks of our privateers, as have ever been exhibited, except on the decks of our own public ships of war. That England, with her swarms of small public vessels of war, commanded by petty officers, who have enriched themselves by preying upon belligerent and neutral commerce, should inveigh against the use of privateers, is natural and appropriate;

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that there should be converts to her doctrines in this country is to be deeply regretted. The President, however, is not sanguine in his hopes of effecting so much as the abolition of private war on the ocean, at Panama. He believes it will be practicable to establish the principle that the friendly flag shall cover the cargo. The rule that free ships make free goods has been discussed for centuries; after various efforts, the rule of maritime war, as it at present exists, that enemies' goods, under a friend's flag, was prize of war, and a friend's goods, under an enemy's flag, not prize of war, has been quietly adopted. For the security of the property of our citizens, it is practically sufficient. The recurrence to the disputed doctrine can only be important to the carriers of the cargoes of belligerents, and to the feeble maritime powers who may be engaged in war. Maritime strength will not admit the rule; maritime weakness willingly adopts it. What does our Chief Magistrate propose? To compel the powerful by combining together the feeble States? No, sir, he proposes to adopt the principle as applicable only to those who admit it. In a former discussion, I took occasion to show that the stipulation to that extent already made with Colombia, might lead to great embarrassments with Spain, with whom we have a similar stipulation. I will not repeat what I then urged, preferring to rely on the recollection of the committee.

The basis of our relations with Hayti cannot be changed, unless, indeed, the anticipations of our sister Republic of Colombia should be realized, and other parts of our hemisphere should be in *like circumstances*. And what, Mr. Chairman, does our Executive say on this proposition to discuss the basis on which our relations with Hayti shall be placed? He thinks it *may* be a question of preliminary advisement, whether the political condition of Hayti be brought at all into discussion. Aware, however, by the official notice from the Colombian Minister, that the question of Hayti is to be not only discussed, but determined, the President proceeds to inform us that our Ministers will be instructed to present certain views to the assembly, and, if they are not concurred in, to decline acceding to any arrangement which may be proposed on different principles. What views are these? The Haytiens hold a nominal sovereignty, by the grant of a foreign prince, under conditions equivalent to a concession by them of exclusive commercial advantages to the subjects of that prince. This statement is not now true; the Haytiens refuse to hold their independence as the boon from France—what else is to be urged by our Ministers? "There are *certain circumstances* in the political condition of that island, which have *hitherto* forbidden our acknowledgment of its independence." I trust, sir, by this declaration, the President does not mean to intimate that these circumstances are not *hereafter* to prevent that acknowledgment. I take it for granted, that he is not so lost to his

duty—why, then, should these views be presented to the assembly at Panama? If I understand the object, it is to *excuse* the United States for their illiberality in declining to accede to the arrangement, which will certainly be proposed on different principles. I trust, sir, we shall not be thus degraded. I should, I confess see with dread, the painful task of thus defending the United States, imposed upon the President of an Abolition Society. As the Executive does not propose to form an agreement, all discussion is useless; whatever may be his intentions, no treaty can be ratified which proposes to change the "basis of our relations with Hayti, or any other part of our hemisphere, which may hereafter be in like circumstances." With the movements of the neighboring nations towards Hayti, we have no concern. Let them act. Southern feeling, prejudice, if gentlemen prefer the term, should prevent our Executive from naming this topic in any assembly of nations.

The great object of the Mission to Panama is yet to be considered; the destiny of Cuba and Porto Rico is also to be fixed at the Isthmus. Whatever may be our wishes, no one proposes we shall negotiate treaties with the American States relative to these islands. Remonstrance, advice, nay, a treaty cannot be necessary. For the defence of my amendment, the admission made by gentlemen would be sufficient, but this branch of the discussion is too interesting to be lightly touched. I would, then, inquire upon what principle it is that the names of Cuba and Porto Rico are joined together, by the Administration, and by the advocates of this mission? The fate of Porto Rico, lying beyond Hayti, more than a thousand miles from the Cape of Florida, is but little more interesting to us than that of any of the leeward islands. It cannot, into whatever hands it may pass, be a source of serious danger to the United States; and yet, sir, it seems to be considered in the same light as Cuba, lying in front of our territory, within a day's sail of our most exposed frontier, and in the centre of the Gulf of Mexico. The law of self-preservation compels us to watch with anxiety over the destiny of Cuba; with that of Porto Rico we have no greater interests that we have in the destiny of the West India islands—not, in fact, as deep an interest as we have in the fate of Jamaica. Confining my remarks to Cuba, I ask gentlemen upon what ground it is that they expect we shall assist in the discussion of the question of Cuba at Panama? It is strictly a belligerent question. Our Ministers will be told, "by the terms of the invitation to your Government, and its acceptance, this is a matter on which you cannot be heard." If deference to our Government should induce the assembly to waive this exception, what can your Ministers say? If you take Cuba from Spain, you endanger the Southern States. What will be the answer? Cuba, in the hands of Spain, is, and ever will be, the source of infinite evil to

us; her possession of it is incompatible with our security and independence. Will your Ministers be instructed to tell them, you shall not touch Cuba? Will the law of self-preservation justify this intervention between the belligerents, authorize us to demand a restriction of the rights of lawful war? Our danger from this source is remote, unhappily but too probable, yet still contingent. The danger of the Spanish Americans is immediate and pressing. Mr. Chairman, it is important to the character of our Government, that, on this subject, we should make no pretensions which are not strictly just in themselves, and which we are not prepared, at every hazard, to sustain. The contest with Spain never will be brought to an end, if Cuba is not wrested from her by the Spanish Americans. It affords revenue to her exhausted Treasury, refuge to her beaten troops, refreshment and security to her wearied mariners. It is the jungle in which the Royal Tiger hides himself, that he may spring, unawares, upon his unsuspecting prey. The people of the island are under a grinding despotism, from which they long since would have sought to free themselves, but from the peculiarity of their situation. They dare not strike for freedom, without promises of assistance and protection, which no neutral nation can give, without a violation of the acknowledged laws of national morality. Shall we say, then, to the Governments of Spanish America, who have the right to drive the tiger from his hiding place, and free their brethren from tyranny and oppression, Wince not; suffer patiently the present, endure with fortitude the future danger; give not freedom to your fellows; it is incompatible with our interests, and may endanger our tranquillity? I envy no man's fate, who bears instructions to hold such language on Continent or Isthmus. I shall feel deeply humiliated, as an American, if such instructions are ever given by a President of the United States. The destiny of Cuba is one of the most difficult political problems of the present time. I wish it to remain in the hands of Spain, or some power strong enough to preserve its internal tranquillity, and yet too feeble to be dangerous to the commerce of the Gulf of Mexico. This desire is, I trust, excusable; but an active effort to secure to Spain her dominions, would be criminal. While we proclaim ourselves the friends of Spanish American liberty, we cannot, without the basest selfishness, seek to condemn Cuba to eternal slavery. The organic laws of Colombia and Mexico render it impossible that the inhabitants of Cuba should willingly unite their destiny to either Government; yet the right of these two Governments to conquer the island cannot be disputed—the means of effecting the conquest are insurrection and massacre—without a resort to these, the efforts of the combined Governments will probably be insufficient.

What shall we do, sir? Our duty to them and to ourselves points to our course. Give

them plainly to understand that we will not suffer the scenes of St. Domingo to be acted in Cuba. That, while we do not interfere in any manner, to control the exercise of the rights of war, we should act effectively on the law of self-preservation, the moment their movements in Cuba should make it necessary. To meet this contingency, immediate preparation should be made. Honorable gentlemen of this House think, however, that all that is proper has been done, or will be done, at Panama. Will these gentlemen reflect for a few moments on the extraordinary circumstances under which we are to present ourselves at this assembly of nations? We, the freest nation on the globe, professing to be at the head, at least, of the American States, go to Panama under the auspices of the Holy Alliance—we go with our great and magnanimous friend, the Emperor of Russia, to support us, whose intervention has been invoked by our Executive in the name of benevolence, and to maintain legitimacy. Heretofore, during every change of the varying contest, we have refrained from interfering ourselves, and protested against the interference of other powers, especially the Holy Alliance; but now, sir, when the dominion of Spain is lost on the continent, she herself, almost at the feet of her former colonies—now, we interfere to preserve her; we invoke the head of the Holy Alliance to use his influence with one of the League, holding out to her hopes the fair islands of Cuba and Porto Rico, and promising the preservation to her of these last relics of her American despotism. How could the Emperor resist our seducing call? He promises to consult his Allies; but mark, Mr. Chairman, the condition of this promise. Until Spain's ulterior views are positively ascertained, with regard to her American possessions, and her decision upon the proposition of the United States, and the opinion of her Allies, on the same subject, are also known, Russia cannot give a definite answer. In the meanwhile, she is pleased to hope the United States will use their influence in defeating, as far as may be in their power, every enterprise against these islands, &c., &c. Our influence is expected to be used, you see, Mr. Chairman, to defeat every enterprise against Cuba and Porto Rico, and we go to Panama, as I solemnly believe, to avoid the responsibility thus most wantonly and idly incurred. It will not escape the most casual observer, that we have given to Spain a powerful motive for adhering to her usual policy of delay. Until she decides on the question presented by the United States, our influence and that of the whole alliance of the Holy Powers is to be exerted to prevent any change in the present condition of Cuba and Porto Rico. How, sir, are we to escape the toils into which the Executive has contrived to wind himself? It is apparent that he feels the net around him, and hence arises the difference in the language of the first letter to Mr. Middleton, invoking the Imperial benevolence

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and of the answer to Mr. Middleton's letter, announcing that the Emperor was disposed to show his benevolence, and to maintain legitimacy. The honorable gentleman from Massachusetts (Mr. WEBSTER) mistakes entirely, when he supposes that the contradictory language of our Secretary of State, is found in his letters to Russia and the South American Governments. So far as we are informed, there has been no communication to our sister Republics on the important question of Cuba, except the announcement of our friendly efforts with the Holy Alliance, and the suggestion that the suspension of all attempts on the islands of Cuba and Porto Rico, "would have a salutary influence on the great work of peace;" "a suspension due to the enlightened intentions of the Emperor of Russia, upon whom it could not fail to have the happiest effect."

If the glaring inconsistency of our conduct does not bring reproaches upon our Ministers, what answer will they make if, in the discussion of this subject, some wily Colombian or Mexican quotes these words from the letter of our Secretary of State? "The President cannot see any justifiable ground on which we (the United States) can forcibly interfere. Upon the hypothesis of an unnecessary protraction of the war, imputable to Spain, it is clear that Cuba will be her only point *d'appui*, in this hemisphere. How can we interpose, on that supposition, against the party clearly having right on his side, in order to restrain or defeat a lawful operation of war?" Our Ministers might have urged the dangers of insurrection and desolation, had not our most adroit statesman contrived to deprive them of this resource. Hear, sir, what has been announced to the world, that with which our neighbors will not fail to close the mouths of our Ministers: "If the war against these islands should be conducted by these Republics in a desolating manner—if, contrary to all expectation, they should put arms into the hands of one race of inhabitants to destroy the lives of the other—if, in short, they should countenance and encourage excesses and examples, the contagion of which, from our neighborhood, would be dangerous to our quiet and safety—the Government of the United States might feel [yes, sir, might feel, are the words; it seems to be doubted even in that case] itself called upon to interpose its power. But it is not apprehended that any of these contingencies will arise; and, consequently, it is most probable that the United States, should the war continue, will remain hereafter, as they have been heretofore, neutral observers of the progress of its events." If none of these contingencies are apprehended, what business have we to discuss the question? Whether they are or not, this official declaration of the Secretary of State, is a conclusive answer to any remonstrance we can make, and, if accompanied by the assurance that the intention of the South Americans is to make Cuba an independent State, will leave us without a decent

pretext to press the subject. The Administration seems to think Cuba is incapable of maintaining its independence. Why? It is nearly as large as England, and capable of sustaining as dense a population. If now too feeble to sustain its independence, by its own efforts, it may be aided by those powers who are so deeply interested in its fate: under a free Government, it will soon acquire competent strength.

Suppose, Mr. Chairman, the assembly at Panama, in their anxious desire to gratify us, and to produce the "happiest effect upon our great ally, the Emperor of Russia," and, with a proper regard to "his enlightened intentions," should address themselves in terms like these to the United States: We will suspend all attempts on Cuba and Porto Rico, on the condition that you prevent Spain from making use of either of them to our annoyance. This proposition is fair and reasonable: What answer can we give? There is but one. We cannot justly do so; nor can we justly, except in the manner I have indicated, interfere with their enterprises against Cuba. Porto Rico is too distant so far to affect, as to authorize us to act under the law of necessary self-preservation.

The Executive must look at this assembly as the organ of a great confederation. The Isthmus of Panama is intended to be the resting place of the lever, the Congress of Plenipotentiaries, by which some American Archimedes is to move the great political power of this continent at his pleasure. To the ambitious statesman, burning to illustrate his name, to acquire for himself a brilliant place in the history of the political convulsions of the world, the temptation to force or seduce the United States into this "great American Confederation," whose "magnitude appeals" ordinary politicians of contracted views, is indeed formidable. But, sir, it must be resisted. The people of the United States have nothing to acquire through the instrumentality of this formidable power—no motive to look on Spanish Americans in any other light than the rest of the world, as "enemies in war, in peace friends." It is this view of the subject that shows the importance and necessity of an expression of our opinions. This is an epoch in our intercourse with our American friends. The President says we must have political connections with them, which are not necessary with the rest of the world. Our committee echoes the opinion. The honorable gentleman from Massachusetts, (Mr. WEBSTER,) speaking with the same views, warns us of the necessity of elevating ourselves to the spirit of the age in which we live. This language is not new in the halls of Congress, but it now comes from a new and unexpected quarter. The answer which was formerly deemed conclusive, can be now repeated: there is no necessity for an intimate political connection with our neighbors. We have nothing to effect which we cannot accomplish by our own means. As to this great confederation, there are two decisive reasons for

avoiding any connection with it: we cannot hope, alone, to direct an assembly composed of numerous Catholic Spanish American States, having common interests, language, feelings, and prejudices. If successful in acquiring a complete ascendancy, of wielding at will the whole moral and physical power of the North and South Americans, what advantage have we to gain by it? First in the order of time, our Republic is now, and ever must be, first in power and intelligence; while faithful to the principles of the solemnly adopted constitution, the people will be prosperous, free, and happy. Will the brilliant situation of the head of the American Confederacy add to the stability of our constitution, to the prosperity, freedom, or happiness of the people? To neither. Our splendor will dazzle the eyes of other nations—our power may shake Africa, Asia, and Europe. We shall exchange solid popular comfort and domestic happiness, for empty national splendor. We shall have brilliant wars, in which our gallant sailors and enterprising soldiers may gain deathless renown, and brilliant alliances to immortalize our adroit diplomatists; but every contest will increase the burdens necessarily imposed upon the people, until we shall look as English statesmen will soon be compelled to look, to national bankruptcy, as the only refuge from the effects of popular despair. To the fatal consequences of looking beyond our own resources, of mixing our destiny with that of other nations, the Farewell Address of the most illustrious man, not of our own country, but of the age in which he lived, directs our attention. He speaks to his countrymen in the language of affection more than parental, of wisdom almost prophetic, to warn them against the danger of foreign alliances. To me, sir, the least excusable part of the management of this Panama question is, the attempt which has been made to give a false coloring to these last counsels of Washington. We have been told, substantially, that he spoke only of European foreign alliances; that if he now existed, he would not be averse, as his language fairly indicates, to those political connections which the President thinks we must have with Spanish America. The gentleman from Massachusetts (Mr. WEBSTER) thinks the argument on the Farewell Address is not conclusive, but fair. Is that a fair argument which seizes upon one of the reasons by which a policy is recommended, and substitutes for the policy clearly explained and supported by general reasoning, a policy founded on the selected single reasoning? Avoid, as far as practicable, all foreign political connections, in extending our commercial relations. Such is the advice given. Europe, in which stood the Governments of the great commercial powers, is detached and distant from us; we can easily avoid political connections. The period will soon arrive when our own strength will be so far increased, that no temptations to such connections will exist.

TUESDAY, April 18.

*Mission to Panama.*

The House having again resumed the consideration of the report of the Committee of Foreign Relations, approving the Mission to Panama, with the amendments proposing a qualification to the general expression of approbation thereof—

Mr. THOMSON, of Pennsylvania, addressed the committee as follows:

Mr. Chairman: The subject now under consideration presents for our decision important questions of constitutional law, relating to the powers of the House, and how far it may constitutionally interfere in the foreign diplomatic affairs of the country. When the House is called upon to act upon bills appropriating money to enable the Executive to send Ministers abroad, it must act freely, as it does in all other cases, and decide as its duty to the country may require. It has certainly the power to reject such bills, as it has to reject other bills, if it be satisfied that the peace, the happiness, and the prosperity of the country, require it to adopt such a course. This, it must be admitted, gives to the House the power to restrain the intercourse of the country with foreign nations. This is a great power, and ought not to be exercised unless in cases where it is made clearly and satisfactorily to appear that the Executive branches of the Government, to whom, by the constitution, the management of foreign affairs is committed, intend to enter into arrangements with foreign powers which will tend to involve us in war, to fetter us with improper alliances, or otherwise compromise the high interests or dignity of the nation. But this power to restrain the foreign diplomatic intercourse of the country, by no means implies the power of managing that intercourse. It does not follow, from the possession of it, that we can constitutionally issue instructions to foreign Ministers, or order the President of the United States how he shall instruct them.

From what fountain in the constitution do gentlemen propose to draw this power of instruction, and confer it on this House? Is it from the power to appropriate the money necessary to enable the President to send Ministers abroad—upon the principle, that the power to appropriate the money, implies in itself the power to dispose of it when it is appropriated, and direct for what objects and in what manner it shall be applied? Is it to be laid down and established as a principle of constitutional law, that, because this House must join in passing the bills appropriating money to support our foreign diplomatic correspondence, it may take that correspondence into its own hands, and give instructions to our Ministers abroad? Do gentlemen consider the consequences which must flow from such a principle? It would terminate in concentrating in this House the whole of the powers of

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the Government: in conferring upon it a dictatorial authority to dispose of all the affairs of the nation—civil, political, and military. Establish it, and the appropriation for the support of the army cannot be passed until a resolution of the House is adopted, appointing the officers, designating their command, and specifying the service in which each division shall be engaged. The navy appropriations must receive the sanction of the House under the same conditions. A resolution must pass appointing Captain Stewart to command in the Pacific, Porter in the Mediterranean, and Rodgers in the Gulf of Mexico; and prescribing to each the instructions under which he is to act. Thus, this House would be vested with the entire and exclusive command of both the army and navy. A doctrine which leads to such consequences cannot be true. But it has not the semblance of foundation in the constitution. The House alone has not the power to make any appropriation. The Senate and the President must also yield their assent. So that, if the argument proved any thing, it would prove, not that this power of instruction may be exercised by the House alone, but equally and jointly by all the several branches of the Legislature.

It has been argued, that because Congress has the power to declare war, and wars may be occasioned by the manner in which our foreign relations are managed, therefore, this House has the power of giving instructions to the President and his Ministers, in what manner these foreign relations shall be conducted—what shall not be negotiated, what shall, and in what manner. This argument is liable to the same objection with the last. It proceeds on the false assumption, that the power to declare war is vested in this House alone. This power is vested by the constitution, not in this House, but in Congress; not in one, but in all the branches of the Legislature.

That the amendment, offered by the honorable member from Delaware, contains instructions to the President in what manner he shall conduct the negotiations at Panama, is, I think, obvious. The following is the resolution reported by the Committee on Foreign Affairs:

*Resolved*, That in the opinion of the House, it is expedient to appropriate the funds necessary to enable the President of the United States to send Ministers to the Congress at Panama."

This resolution contains nothing more nor less than the principle contained in the bill, appropriating the money to pay the salaries of the Ministers and expenses of the mission. The amendment proposes to affix it as a condition to the adoption of this principle, that our Ministers at Panama shall not be allowed to discuss certain matters, nor be allowed to enter into certain stipulations. Now, the question is not, whether the restrictions proposed by these amendments to be laid on the Ministers at Panama, in the exercise of their diplomatic office, are politic and wise; whether they are the proper restrictions and limitations which

ought to be contained in their instructions;—but whether it be the proper constitutional province of the House to interfere at all, either to restrain or to enlarge their powers. I can look on this amendment in no other light, in this respect, than if it was offered as a proviso to the bill appropriating the money to defray the expense of this mission. If it were made a proviso to that bill, would it not obviously act as a limitation set by this House upon the treaty-making power, vested by the constitution in the President and Senate? Would not the Senate regard it as such, and at once reject it as unconstitutional?

The right to command and the obligation to obey are correlative. If this House, therefore, has the right, by resolution, to command the Executive to give certain specific instructions to the Ministers at Panama, he is bound to obey. If he is bound to obey the resolution of this House, there is the same, if not greater reason, he should be under equal obligations of obedience to the Senate. If he is so, then this resolution ought to be a joint one, or he may have opposite commands from these two bodies, on the same subject, each of which he is equally bound to obey—which is absurd.

Either the amendment, if we adopt it, is intended to have some effect, or it is to have none. If it is to be entirely without efficacy, the House would, I presume, for that reason alone, refuse to pass it. If it is to have some effect, upon whom is that effect to be produced, and what is it to be? It is to be produced on the Executive, and is to compel him to give certain specific instructions to the Ministers at Panama. It is proved by the reasoning I have just used, and indeed is admitted, that this House cannot do this by a direct command. Has it the power, then, to do that indirectly, by attaching conditions to the appropriation of money, which it has no constitutional authority to do directly?

If the House has the authority, under the constitution, to prescribe to the Executive, either directly or indirectly, the instructions he is to give to foreign Ministers, it must have some power to enforce obedience to its mandates on this head. This power must extend, not only to the President, but to the Senate. Can it send its officers, and arrest and bring the President before it, to answer for having given other and different instructions from those it has dictated? Can it arraign the Senate for confirming a treaty made in disobedience of its instructions? Can it institute an impeachment of the President before the Senate, for a disregard of its authority on this point? I think no man acquainted with the constitution of this Government will venture to answer either of these questions in the affirmative.

It is true that the House has the power of expressing its opinions on abstract propositions relating to the foreign policy of the Government. To express these opinions, it is not



necessary it should have any other than a general knowledge of our diplomatic affairs. It can well say, that the policy of the country towards foreign nations, ought to be pacific; and when war is going on between any of them, that it ought to be neutral; that its policy is, and ought to be, to extend our commerce with all nations, and have entangling alliances with none. To be able to say this, with a proper understanding of what it does say, it has no need to open the bureau of State, and examine the foreign diplomatic correspondence of the nation. But when it comes, in relation to any particular mission, not to pronounce general propositions, but to descend to particulars, to say what shall or shall not be negotiated; what stipulations shall or shall not be entered into; and what instructions our Ministers shall have; it is absolutely necessary that not only the correspondence of our Ministers in relation to the affairs of the particular mission under consideration, but in relation to all other foreign affairs, should be laid before it, that it may know the whole of the diplomatic relations of the world, and judge whether the instructions it is about to give are calculated to advance that policy which it thinks the country ought to maintain. The inconvenience of such a system is obvious. Foreign nations could hold no correspondence with us. They would be aware that every year the whole matter must be laid before this House, and published to the world. The propositions now under consideration are not abstract general propositions; they descend to particulars, and are connected with this mission, and made part of it. They prescribe what is and what is not to be done, in this particular case. If these can be called abstract general propositions, then the words abstract and general have lost entirely their signification.

The construction for which I contend, is the one which has prevailed ever since the adoption of the constitution. This House has never passed any resolution expressing opinions in relation to our foreign affairs, except in general terms. It may have called the attention of the Executive to a subject, but it has never undertaken to prescribe in what manner negotiations, touching that subject, should be conducted. It has never expressed opinions, the evident tendency of which was to weaken the influence of the Executive, in his negotiations with foreign powers, and to show that it had lost confidence in the Senate, as to the manner in which that body would exercise its functions, as a part of the treaty-making power. But the gentleman from Delaware says this is not a case in which the opinions of this House, and those of the Executive, can come in collision. From this I understand him to mean, that the propositions contained in the amendment are nothing more than the principles which the Executive has intimated to us he will regard in conducting the negotiations at Panama. Why, then, does the honorable

member so earnestly urge the adoption of the amendment? If the Executive and this House are "of accord" on this point, why indicate distrust in him and the Senate, by the passage of a resolution which, upon these principles, can have no other object than to bind him to pursue a course he has said he will pursue, and to warn the Senate that it must not ratify any thing not negotiated in accordance with these principles? Whatever might be my opinion of the gentlemen holding the great offices of this Government, entrusted with its treaty-making power, I would not dishonor my country by placing her public functionaries in this attitude in the presence of foreign nations.

The honorable member from Delaware urges, as a principal reason for adopting this amendment, that the President has asked the House for its opinion as to the policy of this measure, and that we are, therefore, bound to give him our sentiments fully on the subject. The gentleman means, I presume, that the President has called upon us for our opinion in this case, in a manner different from that usually practised, by merely asking an appropriation. This is a matter of fact, and how does it stand? The President, in his Message to us, the only paper among the documents addressed to this House, says—"The concurrence of the House to the measure, by the appropriation necessary for carrying it into effect, is alike submitted to its free determination, and indispensable to the fulfilment of the intention." Again, at the close of the Message, he says—"I submit the propriety of an appropriation to the candid consideration and enlightened patriotism of the Legislature." By thus submitting the subject to us, I do not see any expression of a wish that we should give any opinion, except that which we must give, by passing or rejecting the appropriation bill. To make this matter out, recurrence has been had to the Message to the Senate, a paper which, at the time it was written, was not expected to be made public, nor to be sent to the House. How this can be construed into a request made to the House for its opinion, when it was not sent to the House, nor to be seen by it, is not easy to conceive. But the President has no power, by the constitution, to require or demand of this House its opinion on any of its measures, before they are carried into effect. He cannot make us a part of his cabinet council, or demand of us our advice and direction in any other manner than is authorized by the constitution. This mission is an Executive measure. It is projected by the Executive; it must be conducted by the Executive; and for its final success, the Executive must be responsible. If this House shall assume the power of directing and controlling the operations of the Executive, by giving him its opinion and advice as to the manner in which those operations are to be conducted, it will terminate in making the President the irresponsible agent of this House, and not the responsible representative of the sovereign people of the

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United States. If he is to proceed in the discharge of the duties and trusts committed to him, under the shield of opinions expressed, and advice given by this House, it will be vain to say that he is at all responsible. If the House gives orders, which he obeys, and thereby compromises the interest of the nation, can the House impeach him for the misconduct which they themselves have occasioned? While I have the honor to hold a seat on this floor, I will do nothing willingly which will, in the least, diminish the responsibility of any branch of the Government.

This amendment contains propositions, to which, as abstract principles, I entirely agree. That the policy of this country should be to extend our commerce with foreign nations, without forming with them any entangling alliances, is certainly true. That our Ministers must appear at Panama in a diplomatic character, is also true. They can appear in no other. It is not my wish that the Government should enter into any alliance, or make any stipulation, with the South American Republics, which may bind us hereafter, whether we are willing or not, to engage in their wars with foreign nations. But does it follow that, because these propositions are all true, we are therefore solemnly to resolve them by a vote of this House? Has any one denied their truth? Where, then, is the necessity of such a resolution? But, there is one part of this amendment, for which I could not vote, if the constitutional difficulty were even removed. It is, that our Ministers are not to be permitted to discuss certain subjects, and, among others, "any measure which shall commit the present or future neutral rights or duties of these United States." I cannot vote for this, not because I am willing that our Ministers should enter into the discussion of any measures with the view of violating our neutrality, or which must have directly that effect, but because the proposition is so extensive and indefinite that it would be impossible for them to know what subjects they might discuss. Who can possibly foresee what measure may commit the future neutral rights and duties of a nation? If this passes as part of the resolution, what subjects will be left for discussion? I answer, none. There is no subject which can be made the topic of diplomatic discussion, which may not, in some way or other, give occasion to some other nation to take offence, either justly or unjustly.

Have we been always so punctilious in relation to our neutrality? No, sir. In the year 1811, when Old Spain was fallen—when her political and military constitution and strength were wholly overthrown, we, without any ceremony, and even without the formality of a discussion, for the protection of our own just rights, ordered the occupation of Florida, a part of her dominions, without regard to the danger of violating our neutrality. Are we afraid of our neutrality, now that it is not the

weakness of Old Spain with which we may come in collision, but the united powers of South America, or that of England, or of France? Sir, this is a feeling which neither my vote nor my voice shall ever countenance. I would feel myself dishonored if I thought my native country could be guilty of such meanness, as to treat the weakest independent nation on earth with less justice or ceremony, because it was weak, than she would the Emperor of Russia or the monarchy of Great Britain. How, if this part of the amendment passes, are we to partake in the discussion in relation to the present condition and future destiny of Cuba, which may, nay, which must come under the consideration of the Congress at Panama? We cannot attempt to dissuade the South American Republics from taking possession of it, lest we shall give them offence, and endanger the committing of our neutral rights and duties with them. We cannot urge them, if they should resolve to carry the war into that island, to come under obligations that, when they do so, they will not conduct it in a manner which we suppose calculated to injure us, lest Spain should allege we had violated our neutral duties towards her; and we cannot say one word of allowing it to become independent, with its domestic tranquillity properly guaranteed, lest we should get into difficulties with both of these powers; and, lastly, we are not to be allowed to speak of taking possession of it ourselves, if our interest should demand such a step, lest, perchance, Spain, England, France, and the southern Republics, should take offence, and our neutral relations should be brought into hazard with them all. The political relations with Cuba are, at this moment, profoundly interesting to this nation, and I, for one, will not agree that our Ministers shall go to the Congress at Panama without having full power to speak on this subject, as our interest may require, in the most decided tone.

The honorable member from Delaware says, forms are nothing—it is the substance we are to regard. It is true, that forms of words are nothing; but the constitutional forms of this Government are every thing. They are the great bulwarks of civil liberty—the partition walls which the people of this nation have erected between the several departments of this Government, to prevent them from interfering with one another, and the whole power from running into one mass, and then becoming absolute and despotic. They are vital to the preservation of civil liberty. If forms are nothing, why may we not issue writs of error from this Hall to the Circuit Courts, and bring their records before us, and reverse or affirm their judgments? The matter or substance is, to do justice between the parties; and cannot we trust ourselves to do that when the cases are before us? Upon this principle, what is to prevent us from usurping all the powers of the Government—civil, military, executive, legisla-

tive, and judicial? Why may we not appoint one committee to take charge of the Executive functions of the Government; another to assume the seats of the Judges in the Supreme Court; and a third to dispose of that venerable body which occupies a splendid hall in another part of this building? The true theory of our Government is, that its several functionaries, in each of its departments, are alike the agents of the people to discharge the duties enjoined on them respectively by the constitution: for the faithful performance of which they are all responsible to the people, in the manner provided in the constitution; that the functionaries of one department, who attempt to exercise the powers peculiar to another, are so far from being in the constitutional discharge of their duty, that they are guilty of an open violation of that duty.

But, Mr. Chairman, what necessity is there for adopting the amendment? If the President is resolved to plunge us in war, to compromise our neutral relations with foreign powers, or to disregard that pacific policy which has heretofore guided the councils of this nation, there may be some occasion, if the House had the power, to restrain his authority, and that of the Senate, in the manner proposed by the adoption of this amendment. How is the matter of fact? Has the Executive any such intent? In his Message to us, the President has said so much to show that he has no design to enter into any entangling political connection with the South American States, or to compromise the neutral relations of the country, that it would be improper for me to detain the committee to quote it. In his Message to the Senate, he says: "It will be seen that the United States neither intend nor are expected to take part in any deliberations of a belligerent character; that the motive of their attendance is neither to contract alliances nor engage in any undertaking or project importing hostility to any other nation." The Secretary of State, in his report to the President, speaking of the conference he had held last Spring with the Ministers of Colombia and Mexico, on the subject of the proposed Congress, says: "It was also stated by each of these Ministers, that his Government did not expect that the United States would change their present neutral policy, nor was it desired that they should take part in such of the deliberations of the proposed Congress as might relate to the prosecution of the existing war with Spain." In his answer to the letter of Mr. Obregon, the Minister from Mexico, the Secretary of State, speaking of the Ministers to be sent to this Congress, says: "While they will not be authorized to enter upon any deliberations, or to concur with any acts inconsistent with the present neutral position of the United States, and its obligations, they will be fully empowered upon all questions likely to arise in the Congress, on subjects to which the nations of America have a common interest." The Co-

lombian Minister, in his letter to the Secretary of State, of November 2, 1895, speaking of the subjects to be considered and discussed at the Congress at Panama, says: "He is, however, authorized by his Government to assure the United States that these points have no tendency to violate their professed principles of neutrality." The Minister from Mexico, in his letter of the 3d of November last, to the Secretary of State, speaking of the subjects to be discussed in this Congress, says: "In consequence of which, being informed of the concurrence of this Government in the idea of discussing the first point in a Congress as was desired, and that it would send Representatives to it, under condition that the neutrality in which it stands towards Spain should not be violated," &c. The Minister from Central America, speaking of the objects of the Congress, in his note of the 14th of November last, to the Secretary of State, says: "And which will not require that the Representatives of the United States should, in the least, compromise their present neutrality, harmony, and good intelligence with other nations." Thus, it appears, sir, not only that the Executive is determined to do nothing tending to commit our neutral relations with foreign nations, nor to contract alliances, but that the Ministers of the several South American Republics are fully apprised of the views of our Government on this point. Yet, it is gravely contended that the President intends to compromise our pacific relations, and to enter into entangling political connections, injurious to the future prosperity of this nation. Sir, I can, in these documents, see no such design. If I did, I would not stand on half-way ground; I would not attempt to bind the Executive and the Senate by resolutions, which those who advocate them admit they may disregard—mere ropes of sand, of no power. I would, at once, effectually interpose in the manner prescribed by the constitution—refuse the appropriation, and prevent the mission.

Something has been said, Mr. Chairman, on the subject of Executive confidence. In my official character, as a member of this House, I have no confidence to bestow on any Executive, except what the constitution requires, nor may I give less than it enjoins. It does not permit me to step over the boundaries which it has prescribed to the powers of this House, and intrude into the exercise of the functions of any other branch of the Government, and allege, as a reason for such intrusion, a want of confidence in those who administer that department. When breaches of official duty occur, the constitution has provided the mode of trial and punishment. In some cases it has given the Legislature the power to arrest the operations of the other branches of the Government, by refusing appropriations; but it has nowhere declared that the functionaries of one branch shall assume the powers of another, merely because they think that other will not

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faithfully discharge its duties. For these reasons I cannot vote for this amendment. I consider it not only as unnecessary, but as an unconstitutional interference with the rights and duties of the Executive and Senate.

Much has been said, Mr. Chairman, on the subject of the powers of the Congress at Panama. Gentlemen reason as if questions were to be decided there as they are in this House, by a majority of votes; as if the honor, the peace, and the future destiny of this nation were to be committed to a Congress of States, in which we were to have but one vote against eight. Sir, this is not to be the case. Our Ministers there are not to be legislators; they are to be diplomatic agents—Plenipotentiaries, who, from the very nature of their office, can decide nothing by vote. Whatever they do, must be by negotiation; and every treaty or stipulation entered into, must be ratified here by the Senate, before the faith of the nation is pledged. The South American States send Ministers to this Congress to take a different part, and to perform very different duties from those to be taken and performed by ours. They come there, bound by treaties of league and confederation, to enter into certain arrangements. We send our Ministers, wholly free from all obligation, to do whatever a prudent regard to our own interests may dictate.

The political relations of the South American Republics with this nation, have been fully discussed in the course of this debate. Our commercial connection with them has not been so much noticed. Permit me, sir, to turn, for a moment, the attention of the committee to this interesting subject. Most of those Republics lie in latitudes, and possess a soil, which enables them to rear the rich products of tropical climates. Several of them have gold and silver mines of inexhaustible wealth. These great resources, which are every day becoming more known, already stimulate the enterprise of every commercial nation. Our intercourse with them employs a great amount of capital and many of our ships. From the character of their soil and climate, and the habits of their population, it may fairly be concluded that they will not soon become a manufacturing people. This renders it probable that these Republics will, for ages, continue to be, as they now are, the great market for all our surplus manufactures. Permit me, sir, to advert particularly to our commerce with the Republic of Peru, to exemplify the advantages we now enjoy, and those we have in prospect, by cultivating the friendship and securing the confidence of these powers. In that country our flour is a staple of commerce, and our cotton fabrics are rapidly superseding those of Calcutta, heretofore in general use. Between the months of June and March last, five vessels sailed from Philadelphia, belonging to citizens of the United States, to the coasts of Peru, sixteen from Baltimore, one from Norfolk, four from New York, one from Providence, six from Boston, and two

from Salem, whose cargoes, almost entirely composed of our own manufactures, and the productions of our own soil, amounted to two millions one hundred and thirty-one thousand six hundred and eighty-four dollars. Besides, no doubt, others have sailed from these and other ports of the United States for that Republic, whose destiny is not known. During the same period, it is known that ten American ships have departed from ports on the continent of Europe, bound for Peru, engaged in the carrying trade. Our commerce, direct and indirect, with this Republic alone, may be estimated at the annual rate of not much less than ten millions of dollars.

Peru and Mexico are the great fountains from which flow, directly and indirectly, into this country, nearly our whole supply of the precious metals. These are the chief articles of export from Peru. They are produced there in greater abundance than in any other country, and are, of course, to be obtained there at a cheaper rate. This country, from its geographical position, its capacity to furnish an advantageous market for our manufactures and agricultural products, and the abundance it furnishes of the precious metals, must soon become the centre on which our whole Asiatic commerce will turn. We need gold and silver for the trade with India. Heretofore we have obtained them from Peru and Mexico, enhanced by freight and insurance. When our commercial relations with these Republics are placed on a proper and permanent foundation, our merchants will ship, in our own ports, our own manufactures and agricultural productions, for the ports of Peru and Mexico, and there exchange them for the gold and silver necessary to carry on our Asiatic trade, and immediately proceed on their voyage to India. The immense beneficial effects of such a revolution in our commerce with that part of the world, may be estimated by considering the relief it will give to the circulating medium of the country, from the constant and enormous demands made upon it for specie to vest in the India trade.

By the emancipation of the South American States, and the consequent demolition of the Spanish colonial system, we have a ready and convenient market opened for all our manufactures and the products of our agriculture. Our capital is employed in a lucrative commerce. Our shipping is increased, our seamen are multiplied, and new sources of wealth are opened to us in our Asiatic commerce. The enjoyment of all these advantages depends on ourselves—upon our prudence in maintaining good relations with these Republics. Every thing, therefore, which relates to this subject, is deeply interesting to the manufacturing and grain-growing sections of the Union.

We at present pay, in the ports of Peru, on our cotton fabrics, a discriminating duty, above those paid by other countries, of ten per cent., and the enormous duty of seven dollars and

fifty cents on each barrel of flour we export there. It is certainly a matter of great consequence to us to have these duties repealed, as well as to have all our other commercial relations with these powers put upon a proper footing. It may be said this can be done without the mission to Panama: that commercial treaties can be formed at the several courts of these Republics. What prospect, I ask, have we of obtaining advantageous commercial treaties with them, if we treat their overtures of friendly intercourse with haughty and insolent contempt? What better opportunity can we obtain of using our influence on them, to induce them to establish a system of liberal commercial relations among themselves, and with other nations, than is now offered at the Congress of Panama? I am, therefore, decidedly in favor of this mission. I consider it a measure calculated to advance, in a pre-eminent degree, the best interests of the nation, as well as the great cause of civilization and liberty.

It is candidly avowed, Mr. Chairman, by the honorable mover of this amendment, that his object is, that this House should recall or reverse the celebrated declaration of the late President of the United States, contained in his Message of December, 1823. That the amendment, if adopted, would have this effect, is obvious. This, if there were no other, is sufficient reason with me for voting against it. Sir, I will not recall that declaration. Its promulgation did this nation great honor, and rendered infinite service to the cause of civilization and liberty. And shall we now tarnish our glory, and renounce entirely our relation to this great cause? Whom, sir, do we represent? A nation of slaves to some petty despot? No, sir; we represent a noble, generous, and chivalric people—a people who are free, and proud of their civil liberty—a people who are justly proud of having their institutions taken as the model on which other nations, who have broken the bonds of slavery, are forming theirs—a people who realize the noble stand they have taken, by this declaration, at the head of the family of free nations; who are generously anxious to see the principles of civil liberty fill the earth, as the waters “cover the channels of the great deep.”

In accordance with the generous sentiments of the nation, the late President made the declaration of 1823. It was received throughout the United States with enthusiasm. While this feeling prevailed in every State in this Union, it was remarkably predominant in that one of which I have the honor to be a native. The Spring following, the convention there met which nominated one of the most distinguished men of this age a candidate for the Presidency. This convention appointed a committee to prepare an address to the people of the State, on the subject of the approaching election. This committee, with an American feeling, and devotion to the cause of civil liberty, which does them great honor, in their address advert to

this declaration in the following terms: “The present is a period of awful interest to all Republican Governments. They are every where invaded by a formidable combination of tyrants, exulting in their past success. Naples, Portugal, and Spain, are re-settled in the calm of despotism, and the sombre monuments of tyranny and superstition are elevated over the tombs of martyrs and patriots, and the ruins of constitutional Governments. The light of Grecian liberty must be extinguished, as a torch of discord thrown into the Ottoman empire. The conflict between the oppressor and the oppressed, will not be confined to Europe. The fleets and armies of the Holy Allies embark for American coasts. American Republics, bordering on our own country, must be subjugated. The veteran patriot who presides over the destinies of our country, has declared we must resist—and the nation sanctions the declaration. Nor are we left to blind conjecture, as regards the light in which this country is viewed by the despots of Europe. One of their ambassadors lately declared, in the court of Madrid, ‘that the United States were the source of all the revolutionary principles that disturbed the crowned heads of Europe.’ How can we mistake the import of such a declaration?”

This just devotion to the cause of civil liberty was the sentiment of my native State then, it is her sentiment now, and will be her sentiment to the remotest ages of posterity. I am proud to be the native of a State which holds the cause of liberty dear, and looks with jealousy on the movements of despots. And shall I, sir, with this known expression of the public will before me, vote for recalling this declaration? No, sir; I will not change nor recall one word, one syllable, nor one letter of it.

What, sir, was the condition of the world when this declaration was made? The great cause of freedom had been overthrown on the continent of Europe. Spain, Portugal, and Naples, had been compelled to yield their free institutions, and to receive law from absolute despots. The light of civil liberty had been extinguished, and one impenetrable gloom of despotism covered throughout continental Europe. The Holy Allies had then effected their unholy purpose in the Old World. But they saw that if the cause of liberty prospered, on this side of the ocean, its effects must, soon or late, be felt in their dominions. A question then presented itself for their decision, big with interest to this country, to this hemisphere, and to the world: whether they should at once interpose with force between Spain and her revolted colonies, reduce them to obedience and their former allegiance, and finally overturn all free Governments on this side of the Atlantic. The genius of this nation saw the imminent danger to which the cause of civil liberty was exposed, and resolved to interfere. She interposed her adamantine shield between

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these infant Republics and the ancient tyrannies of Europe, and pronounced the definitive decree, that the ocean must be the boundary of their principles. This decree was promulgated in the celebrated Message of the late President. It had the desired effect, and the cause of civilization, of liberty, and of mankind, was permitted, in this hemisphere, to triumph.

Mr. GARNSEY then spoke as follows:

Mr. Chairman: I ask the indulgence and attention of the committee for a few moments, in relation to the question before us. I wish to state, sir, that I am opposed to the amendments of the resolution under discussion, and in favor of the appropriation to pay Ministers to be sent to the Congress of Panama, as proposed by the resolution and bill of the Committee on Foreign Affairs, and for the following reasons:

It is unprecedented for the House of Representatives to give instructions to interfere in relation to Ministers to foreign courts. This House has nothing to do with the treaty-making power: it has once so determined. That was also the opinion of Gen. Washington on this subject.

The House of Representatives, in 1798, being dissatisfied with the treaty made with Great Britain, called for a copy of the instructions of the Minister who negotiated that treaty. General Washington, then President, in refusing to comply with the request, and in giving his reasons for so doing, states that,

"Having been a member of the General Convention, and knowing the principles on which the constitution was formed, I have ever entertained but one opinion on this subject; and from the first establishment of the Government to this moment, my conduct has exemplified that opinion—that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur; and that every treaty, so made and promulgated, thenceforward became the law of the land. It is thus that the treaty-making power has been understood by foreign nations; and, in all the treaties made with them, we have declared, and they have believed, that, when ratified by the President, with the advice and consent of the Senate, they became obligatory. In this construction of the constitution, every House of Representatives has heretofore acquiesced; and, until the present time, not a doubt or suspicion has appeared, to my knowledge, that this construction was not the true one. Nay, they have more than acquiesced; for, till now, without controverting the obligation of such treaties, they have made all the requisite provisions for carrying them into effect."

He adds, in conclusion:

"As, therefore, it is perfectly clear to my understanding, that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits within itself all the objects requiring legislative provision; and on these the papers called for can throw no light; and, as it is essential to the due administration of the Government that the boundaries fixed

by the constitution, between the different Departments, should be preserved; a just regard to the constitution, and to the duty of my office, under all the circumstances of this case, forbids a compliance with your request."

The House of Representatives, after this, by two resolutions, expressed their opinion on this subject, the first of which is in the following terms:

"Resolved, That, it being declared, by the second section of the second article of the constitution, 'that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur,' the House of Representatives do not claim any agency in making treaties; but that, when a treaty stipulates regulations on any of the subjects submitted by the constitution to the power of Congress, it must depend for its execution, as to such stipulations, on a law or laws to be passed by Congress; and it is the constitutional right and duty of the House of Representatives, in all such cases, to deliberate on the expediency or in expediency of carrying such treaty into effect, and to determine and act thereon, as in their judgment may be most conducive to the public good."

Special instructions by this House would, I think, be contrary to the letter and spirit of the constitution. "The President shall have power to nominate, and, by and with the advice and consent of the Senate, shall appoint, Ambassadors, other public Ministers, and Consuls." The President also has power, by the constitution, to "fill up vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of the next session." The power that creates, from necessity, in the absence of constitutional provision and law, must instruct and direct.

Ministers may be appointed and treaties made, through the instrumentality of the President alone, in the recess of the Senate, but cannot be ratified without the consent of two-thirds of that body.

The laws of nations recognize the making of treaties by independent Governments, through the agency of Ministers; and our constitution, in obedience to that principle, has vested the power of nominating and appointing Ministers with the President and Senate of the United States, and they are responsible to the nation for all treaties made and adopted.

Instructions from this House cannot be enforced; for there is neither constitutional provision nor law to compel obedience.

Not only so—the object of the mission being, in some degree, advisory, instructions might not, if we had the power, be judiciously given.

If this House has the power contended for, the Senate surely has, and the President also. And if the instructions of the two several Houses and the President all disagree, what is to be done? Who shall Ministers obey? By following the directions of one, they disobey

the others. Besides, a principle like the one contended for, would be assailing, without good cause, the prudence and wisdom of the Executive. There can be no reason for alarm: for all acts of the President and Ministers, in relation to treaties, must be reviewed and sanctioned by two-thirds of the Senate, before they can be adopted or binding. And do gentlemen doubt the prudence and wisdom of that august body? If not, where the danger?

In addition, this nation calls loudly for a speedy appropriation. Both principal and interest, in a commercial and other points of view, (putting aside every other consideration,) should induce us to be represented at the Congress of Panama. And I venture to say that three-fourths of the people of the United States have full faith in the mission proposed, and the acts of the President on that subject. It is humane, it is benevolent, it is congenial to the feelings of a free people, to take an interest in the rising importance of the South American Republics! It looks to the improvement of the condition of man.

Generations to come will approve our acts, and sing praises to the philanthropists and statesmen who inclined a listening ear—lent a helping hand—received with open arms, and aided a sister Republic, by the advice and wisdom of our counsels. We ought never to be wearied with doing good. Why then do we hesitate? Where is the cause of alarm? Once adopt a cold, political, unfeeling philosophy towards other nations, and let that doctrine be encouraged and promulgated until the people of our own are controlled by its principles, our Government would then be found with an icicle at its heart; the streams of justice would then cease to flow; and we should be shivering in anarchy, and in the cold embrace of ruin. It is the love of country—the principles of virtue, humanity, and independence—the liberty of speech, of the press, and of conscience—the sympathetic feelings for the suffering of others, assimilated to ourselves, together with a recollection of our own, and other heroes, who have fought and bled that man might be free, that cements, harmonizes, and strengthens, that fellow-feeling which unites and sustains this Republic, and lights up a glow of patriotism in every American heart. Let a different principle once prevail, and the balance of power be destroyed, which operates as a powerful magnet upon this people, our Government would fall to pieces, and dissolve like a rope of sand, leaving us afloat amidst the storms of a political ocean, without pilot, chart, or compass.

The constitutional prerogative, vested in certain departments in this Government, in respect to its diplomatic character with other nations, is admirably calculated to insure peace and prosperity. If other essential principles of the constitution are preserved, and its intended distribution of power to each department rightly continued, this Government is founded upon a rock, immovable as Atlas, and imper-

ishable as time; political storms may hereafter arise and roll, but, as long as the empire of reason reigns, the lashing wave of faction may beat in vain.

Aspiring men, intriguing and ambitious, at some future period, may assail, in its essential part, with impetuosity, and apparent success of conquest, the battlements of the constitution; but that noble chart of liberty, purchased by the treasure, toil, and blood of the heroes and fathers of the Revolution, in the hands of a virtuous, wise, patriotic, and intelligent people, will be preserved, and remain the admiration of future ages, as a scroll of wisdom, independence, and fame. How often is the sun, when marching gallantly on in its majestic course, suddenly obscured by clouds and storms! Yet, its powerful rays soon burst forth in all its effulgence and glory. So, in some respects, our constitution, that polar star of our country, is often darkened and obscured by the tempestuous vapors of human intellect and ingenuity; yet, like a strong ship amidst the storms of the ocean, she resists the tempest, and rides upon the mountain wave, carrying her gallant crew in safety to their destined port.

Mr. INGHAM said: It is with great reluctance that I at any time intrude myself into a general debate on this floor, because I cannot but consider any thing that I might have to say, when subjects are so fully and much more ably discussed by others, as an intrusion upon the patience of members, rather than as having even a claim to their indulgence. There are, however, occasions when, even under these objections, members may be justified in exercising their common right of delivering their sentiments, and offering their reasons for their vote more fully than they can be known from a naked vote on the journal. It often happens that those who disagree as to many of their premises, will unite in their conclusions; and, also, that those who agree in their premises, mainly, may differ in their conclusions. These considerations, were there no others, seem to require of me to avail myself of the occasion to present to the committee and to my constituents, the reasons which will govern the vote I am about to give. Before I proceed to the general course of remark which I had prescribed to myself, it will be proper to notice some of the observations of my colleague, who has just taken his seat, (Mr. THOMSON.) My colleague has assumed the position first taken by the gentleman from Massachusetts, (Mr. WEBSTER,) and occupied by all who have since spoken on the same side. I understand it to be this: that, by adopting this amendment, we attempt an unconstitutional exercise of power, inasmuch as the treaty-making power is vested in another body, and hence we have no right to *instruct* the President as to what measures he ought or ought not to negotiate about with foreign powers; and, consequently, we have no power or right to declare our opinion in relation to the measures proposed to be adopted

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at Panama, in the manner and form of the amendment now under consideration. If my colleague, and those who have preceded him, had made out their case, or even given it a plausible appearance, it would have been an important addition to their argument; but in this I think they have entirely failed. In the first place, the amendment proposed is not an official instruction, in form or substance, and must have required much aid of the imagination to conceive of it as such. The amendment is neither more nor less than a simple declaration of the opinion of those who vote for it, in relation to a great question of national policy, which I hold we have an inherent right to make, by virtue of our relation to the people and the country. But I go further, and, I trust, will be able to show that the expression of such an opinion is clearly within the expressly delegated powers of Congress.

I admit that few occasions will be likely to arise, wherein it would be expedient or necessary for this House to declare its opinion on such subjects; but of this the House will be the judge for itself, and of course each member must judge for himself. I have no doubt the present case will most fully justify the declaration proposed. It seems to me that gentlemen cannot be aware, when they thus deny the right of the House of Representatives to instruct the President, (as they are pleased to call it,) in the form of this amendment, of the inextricable difficulties into which their doctrines will lead them. They cannot maintain their position without denying every power of Congress upon the most unimportant interests committed to their charge. Do they not extend to all subjects of legislation within the limits prescribed by the constitution? None will surely deny that such a legislative power is vested in Congress, and I ask no other admissions, (it is not necessary for the purposes of my argument, to rely upon the impeaching power;) the legislative power undoubtedly must comprehend within it the use of the necessary and proper means for its exercise, and the application of those means to the accomplishment of its legitimate objects. This power extends to the regulation of commerce—the declaration of war—and I believe every conceivable object in one shape or another, embraced within the treaty-making power. We pass laws in relation to foreign commerce, which subject is clearly within the scope of the treaty-making power; to alliances, offensive and defensive, which also belong to the treaty-making power. These may involve war, and yet the power to declare war belongs to Congress. By pursuing the subject in this way, we should find the treaty-making and legislative power so blended as to be wholly inseparable; they are, in fact, so interwoven together, that the ablest men who have ever discussed the subject in either House of Congress, do not appear to have been satisfied themselves where the line of separation is. Numerous examples

have been given, wherein this House had exercised the same power now proposed, viz: That of declaring its opinions on matters belonging to the treaty-making power. I will not repeat these, but refer to other examples, in my judgment even much stronger.

On the 8d of March, 1815, Congress passed a law proposing, in terms, to all foreign nations, who would repeal their discriminating impost and tonnage duties in relation to the United States, that, as soon as the President of the United States should be satisfied of the fact, our discriminating duties, in relation to such nations, should also be repealed; and this law has been acted upon in numerous cases, with and without treaty stipulations. The measure was recommended by President Madison, and has been acted on by all who have followed him. It was not merely the declaration of the opinion, but a declaration of the will of the whole legislative body, on a subject clearly within the treaty-making power, and that declaration made previously too. There is another example, still much stronger, if possible, to show that the legislative power is inseparable from, and even paramount to, the treaty-making power. In the year 1778, the old Congress made two treaties with France, one of alliance, offensive and defensive, the other of amity and commerce. These treaties were made when the United States were in close connection with that country, united by sympathies and interests of the most imposing character; in 1798, Congress, by law, abrogated both treaties. Is it not, then, idle to assert that it is unconstitutional to declare our opinion on treaty-making questions, when we have declared our will, both by previous and subsequent legislation? Here I would remark, by the way, that, when these treaties were formed, none supposed that they could become a subject of difficulty; but the designation of the articles considered contraband, in the treaty of commerce with France, not being ingrafted in the treaty with England, in 1794, commonly called Jay's treaty, was the cause of the difficulties between the United States and France, and also with England, which led to spoliations and depredations upon our commerce under Orders of Council and Decrees, in violation of national law, from that time, until they terminated in the late war with England. These difficulties had their origin in national sympathies, and were promoted by the same cause, until they ended as I have mentioned.

My colleague has said, however, that we, the House of Representatives, cannot act in relation to subjects which the Congress can. I do not comprehend the distinction. Congress never can act as a joint body. We act separately. Each House commences such measures as it thinks proper to adopt, and it begins by referring them to committees, who examine, investigate, and report their opinion, either in a general report, resolution, or bill. This is the beginning of our acts; and the House, ex-



exercising all the powers vested in the committee, declares its opinion for or against the reports of the committees, or modifies them. Such is the practice and constant process of our Legislature. I am, therefore, at a loss to know what my colleague means, when he says, Congress may declare its opinion on subjects not within the competency of the House to declare its opinion upon.

I do not think my colleague has made out his case, that we are about to exercise an unconstitutional power by instructing the President; but, if he had moved to change the form of the resolution, so as to obviate every appearance of its being an instruction, and this motion had been rejected, then he might have some right to insist that the resolution was objectionable in form; if he would make such a motion, without affecting the substance, he should have my vote cheerfully; but there is no form in which an opinion on this subject could be declared, which might not be objected to for the same reason.

The subject does appear to me so plain, that I am at a loss to conceive how such an objection has been made so current among the opponents of this amendment, unless, indeed, the want of more substantial ground to rest upon has forced gentlemen to occupy this. Our object is to declare our opinion upon a great measure of national policy, not in the form of official instructions, but with a view to making known that opinion, as well to the other branches of the Government, as to the world. This opinion can have no other than a moral influence; and in that respect it is intended, and will not be disregarded. And it is very immaterial as to what form of words it may be expressed in, so as that they may be understood. My colleague has pressed the argument with such earnestness, that I cannot doubt his sincerity; but he has surely not examined the whole subject, or he would have seen to what difficulties such anti-republican doctrines would lead him. He says, we have no power to instruct, because we cannot compel the President. I am sorry to see my colleague so misled by a sympathetic sensibility to Executive supremacy. I do not feel it, nor would my principles permit me to cultivate it, whoever might be President. Is it true that this House cannot compel the President in any case? I will not follow my colleague in his suppositions, "that we might as well order the President, by law or resolution, to appoint this or that officer of the army or navy, to this or that station," as adopt this amendment.

That power is not legislative; it is a pure, unmixed Executive power, although I could find an example, during the late war, in which an attempt was made to prevent the President by law from sending the army across the line; that was, however, a mere ebullition of faction which cannot be defended. But is this House without power "to compel the President?" I will put a case for the consideration of those

who advance this doctrine, so degrading to the power of the House of Representatives. Suppose the country to be involved in war. It cannot be carried on without the exercise of the constitutional power of this House, in providing the means. Overtures for peace are made: the President sends Ministers to negotiate. It is, however, known to this House, that the enemy have offered an honorable peace. The President, ambitious of conquest, refuses to make peace: will you then tell me that this House has no constitutional right to declare its opinion, because it cannot make a treaty? What would the House do in this case? I put it to every member who has denied our constitutional right to express our opinion in this case, to say what he would do in that case; would he suffer the interest and peace and happiness of the country to be jeopardized by an ambitious President, and sit silently and submissively voting the supplies, without expressing an opinion? Sir, we would not hesitate a moment to speak to him in a voice that he could not misunderstand. We would not speak by adding a rider to our appropriation bill, but we would speak by resolution, and say to him, you must put an end to the war. Would any President disregard such an admonition? I should like to know whether a resolution of that kind would be an unconstitutional instruction to the President. Call it what you please, the President would be compelled to obey; he must send his Ministers instructed to make peace. Sir, would gentlemen deny to this House the power which, in such cases, is exercised by the British Parliament? The President is an agent of the people; he is not presumed, under the form of our Government, to possess any sovereign power; he only exercises delegated power. The sovereign power of this nation rests in the people; but, according to the forms of the British Constitution, it is in the king, and yet there the Parliament, when it determines for peace, makes known its desire to the sovereign, and he must obey. Such was the declaration of Parliament, which terminated the war against us in the Revolution, and gave us our independence. [Mr. THOMSON explained: he said, he did not deny the power to express opinion, but to instruct.] I am not aware, said Mr. I., that I have misstated any expression of my colleague; he will do me the justice to believe that my very great personal respect for him, if not for myself, would forbid that I could intend to misstate or misrepresent any argument. I think, however, he must be satisfied, that, if such a resolution as that before us is exceptionable on the ground of its being an instruction, that every declaration of opinion by this House, on subjects which belong, in any manner, to the Executive duties, must also be unconstitutional. Before I take leave of my colleague, I would say a word on the topic of confidence, which has been introduced into this debate as a principal foundation of the opposi-

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tion to this amendment. It is of some importance that we should understand it. I would repose the same confidence in one branch of the Government, as such, that I would in another; but no degree of confidence that I may repose in any other department can relieve me from my own proper responsibility. Gentlemen will not say that we ought not to examine bills from the Senate, because we have confidence in that body; nor is it an improper distrust for us to examine their bills, with as much care as we do those reported by our own committees. So of the President; where his duties are involved with ours, and we have a joint responsibility, we must judge for ourselves, and act in accordance with that judgment, and not upon confidence. These are my views upon this point. My colleague says, forms are every thing! I understand him to mean constitutional forms. In this I agree with him; but have not been able to perceive the slightest obstacle to this resolution in any forms of the constitution: on the other hand, I think I have shown that our right to express an opinion in this case is an undoubted, perfect, constitutional right, derived from our legislative power, and clearly within the sphere of our duties. The nature of our obligation, in relation to appropriations, has also been brought into this discussion, and I will take this occasion to explain my views of it. There are three classes of appropriations made by Congress. 1st. Those over which we have an undoubted discretion. 2d. Those made in pursuance of contracts. 3d. Those made obligatory by the constitution. Of this last class are the salaries which the constitution has declared shall not be diminished, such as those of the Judges of the United States Courts, &c. With respect to these three, there is not only a moral, but a constitutional obligation: we are sworn to support the constitution, and cannot withhold a salary which that instrument has declared shall not be diminished. The next class of appropriations, about which there is any doubt, is that made in pursuance of contract, whether in pursuance of treaties, or other contracts.

I hold it to be incontrovertible, that, whenever the constitution has given us the power, without qualification, to do any act, we must be vested with a discretionary power to determine upon its expediency: the obligation cannot be absolute. It has been said that we have the physical power. I say we have the constitutional power. There is, however, a moral obligation upon us to exercise this, as well as every other power, according to the principles of justice and good faith—of which we must be the judges. Every contract, however, which depends upon an appropriation for its final execution, must, from the nature of the case, be made subject to that condition: but I will admit the obligation to be much stronger to appropriate where a contract exists, than where there is none, and which, according to

my judgment, resolves itself into this: That, where an appropriation is asked to carry into full effect a contract of any kind, those who refuse it must incur the responsibility of showing good and sufficient reasons for not granting it; they must satisfy their own consciences that the public interest forbids the grant of money; the burden of the proof lies upon them; the presumptions are all in favor of the appropriation. But, in ordinary cases, the burden of proof lies on the other side; before money can properly be asked from the Treasury, the necessity for it must be shown. This I consider a safe and sound doctrine on this subject, from which nothing is to be feared, if it is faithfully adhered to.

In another part of the arguments of my colleague, he quoted a paragraph from an address to the people of Pennsylvania, by the convention of that State who nominated General Jackson for the Presidency of the United States. So far from finding any thing in that paper to weaken the position I have taken, I accord, heart and hand, with every sentiment that he has quoted. That declaration, as well as the memorable Message to which he refers, was predicated on a state of things which no one now pretends to have existence: That the Holy Alliance was about to engage in a war not merely against South America, but against all free Governments. Had such a purpose been known to exist, to an extent that would have comprehended our Government, it would have been no difference where they struck the blow; such a war would have been our war; but even in such a case we should not have been willing to have entangled ourselves with any agreements to guarantee the free institutions of South America: for these might have been changed by the people themselves, with which we had no right to interfere. But there is no such case before us now. What are we about to do? If there is any meaning in the language of these documents, one and all, we are to enter into stipulations with the Congress at Panama, that we will resist any interference of the Governments of Europe in the war between South America and Spain, under any circumstances that such a war might arise. Is not this very different? Can we, having a due regard to the peace and happiness and safety of our own country, enter into an agreement that might bind us to engage in a war for any other nation or nations on the face of the earth, whether it was just or not? I am opposed to entering into any stipulations of this nature, and believe we ought to leave the Government free to determine that question, whenever the case shall arise, and not commit ourselves beforehand, as it is proposed to do. Shall we compromise the happiness of this people, and the character of our Government, by stipulating with the Southern American nations that we will go to war with Russia or England for ten or fifteen miles or leagues of the northwest coast? In short, sir, shall we unite our destiny with that of any oth-

er nation on the face of the globe? I have never ceased to sympathize with the people of Southern America in their struggle for liberty; there is scarcely a man in this nation who has not sympathized with them; but it does not follow that we shall be carried away by these sympathies to entangle ourselves in their foreign disputes or wars.

It will not be pretended that every nation which has established free institutions, will always act with justice in its disputes. I devoutly wish they may do so; but, in the nature of things, we have no security that they will. But, suppose we enter into the stipulations and "joint declaration" recommended by the President, will the South American Governments be the more likely to act with justice towards other nations? Finding the United States at their back, will it make them more careful to act with justice and prudence in their foreign policy? Power often forgets right, among nations, as well as men, and the stronger we make such combinations the more apt they will be to disregard justice. Our policy is peaceful, and the cardinal virtue of Republican Government should be justice. Whatever compromises these, jeopardizes not only the happiness of a free people, but the character of their Government. I will say nothing in answer to the arguments for this political mission, addressed to our cupidity and love of trade. Every one knows that no commercial treaties can be formed at Panama. That power is expressly reserved from the Congress in the treaties between those States; besides, we have commercial treaties with most of the States already, and no serious difficulties exist in making others.

Why this subject has been introduced I know not, unless to operate upon those who may not have the means of detecting its fallacy. I recur to the question, then, Have we a right, or have we not, to declare our opinion on this great question of policy? If we have no constitutional power to pass this amendment, we commit an act of usurpation; but if we have the power, and consequently the right, those who deny it endeavor, by artificial toils and nets, to embarrass the free deliberations of this House, and are guilty of a flagrant attempt to prostrate its rights and power at the feet of the Executive Department of the Government. One or the other of these conclusions must follow—we have the power and the right, or we have it not.

I will not stop to consider the form of the words proposed to be used for this purpose, nor to examine the constitutional objection to this amendment, urged by the gentleman from Massachusetts, on account of its having the words "being understood" at the head of it. The fear of my vote's "being understood" is no objection with me. It is for that purpose I vote for the amendment. We propose to declare, in a distinct and separate resolution, in respectful terms, the sentiments of this House, and, as we believe, of this nation, on a great

subject of national policy, which is also, as has been shown incidentally, connected with our legislative powers; and such a declaration is met, not by a denial of the truth of its propositions, but by the assertion that it is an infringement upon, an invasion of, the Executive prerogatives! Have I not shown that this doctrine is wholly unsound? But I will appeal to the opinion of the President himself, who, I am sure, would not venture to advance the doctrines we have heard on this floor. I am bound to believe, from the evidence contained in his Message, that he thought we ought to express our opinion, not only in general, but in detail; because I must believe that he meant to act candidly and fairly with us, when he submitted this whole subject to the "free determination" of the House of Representatives; that, in his communication, he meant to address this House as a dignified statesman would always address a co-ordinate branch of the Government with which he was connected. I think it derogatory to his character to suppose that he intended we should decide in the gross for or against this measure, without reference to its details.

What would be the incontrovertible inference, under these circumstances, if an overwhelming majority of this House shall negative this proposition, after the manner in which he has submitted this matter to us? Would he not have a right to believe—would not the nation and the world think—that this House were in favor of compromising the future neutrality of the country? Every man of common sense would so understand it. Gentlemen may rest as well as they can upon their nice wire-drawn distinctions; the people of this country will not look to these; they will always look to substance when they want to judge of our acts, and this is the only way in which they can judge of them. They will find our names recorded on the journal either in favor of or against a policy which is intended to commit our future neutrality. With them, too, we shall find that forms are nothing, substance every thing; and gentlemen who incline to vote against the amendment on account of form, will do well to reflect upon the position they will be placed in. These records may rise in judgment against them, and the time may come when the entanglements we are now about to commence will induce our posterity to look back into them, and point with scorn to the names of the men who first sanctioned this scheme of a political connection with foreign countries. The President will stand justified—it will be seen that he submitted the whole question for the "free determination" of the House of Representatives. Whether right or wrong, he consulted both branches of Congress, and they not only sanctioned the measure, but negatived a declaration that we ought to pursue our old policy of avoiding entangling alliances. It will be no excuse to say that this thing was done because members thought it in-

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delicate to express any opinion; and, in order to justify themselves, construed the President's Message to mean what he never intended, and in contradiction to its most obvious import. I would urge gentlemen to guard with jealous caution every appearance of departure from a policy so deeply interesting and vital to the happiness of this nation. This is not all, sir; the policy now proposed is in direct opposition to the admonitions and farewell advice of the most illustrious man that ever lived. His advice I would almost admit to be conclusive with me in all cases. He had vast and comprehensive views of the interests of his country, and his heart had scarce a throb but for her prosperity. I would think myself very safe in adopting his farewell advice for my political Bible; and to act upon faith on it, without appeal. That great man perfectly understood the dangerous tendency of forming political connections and alliances with foreign nations, and how easy it was, by an entanglement with one nation, to excite the hostility and jealousy of others. He clearly foresaw that such connections could easily involve the nation in war, even without the consent of its Government or the people. A pledge thus given commits the public faith, and the occasion might happen in which there would be no choice for the Government, but to violate the faith of the nation, or go to war. The highest responsibility devolved upon Congress is the power to declare war; but every purpose of the constitution is defeated, if we are involved in war by a pledge of faith or treaty of alliance, in which Congress has not been consulted. But we are told the measures to be negotiated at Panama cannot possibly involve us in war. I put it to the candor of every member who hears me, whether this assumption is not wholly unfounded? Why is it proposed to make a "joint declaration" that no European nation shall interfere between Spain and the South American States? Why is it proposed to stipulate with the South American Governments that we will not permit colonization on our territory? Is it empty wind, or do we intend to fulfil what we promise? If we do, and the case occurs, we must go to war, without being left free to judge of the exigency, or we must violate our national faith. These considerations prove as well the right as the expediency of declaring what we believe to be the true policy of the country. It is therefore our most solemn duty to declare our opinion, whatever it may be; and any attempt to prevent the fulfilment of that duty, by nice hair-splitting technicalities, and such constitutional difficulties as we have heard advanced, I cannot but consider as a most flagrant attempt to prostrate the rights of the people, and of this House, at the feet of Executive power. These doctrines were not taught in the old Republican school, and I trust they will never be current in our country. They not only undermine the foundation of our system, but they are so palpably inconsistent, that

some other consideration than their intrinsic merit, must be necessary to induce any one to adopt them. We may declare to the President that he shall make peace. We may declare that any treaty, when made, ought to be abrogated; and we may refuse to carry on war. All these most important powers, the exercise of which is fraught with such hazardous consequences, cannot be denied to us; but we are gravely told that we violate the constitution, if we express any opinion in relation to any one of these subjects. After the danger has occurred, we may apply a remedy to the evil, but we must not give an opinion by way of a preventive! Can any thing be more absurd? On the contrary, I maintain, that the true theory of our Government requires, on all great and momentous questions, that there should be some previous sanction of all the branches, in order to secure its harmonious operation—not in the manner proposed by some gentlemen in this case, but by a "free determination" upon the whole merits of the measure. We have had indeed the semblance of free deliberations proffered to us in this case, but nothing more. According to the doctrines laid down here, it has in fact been more like a snare laid for us, (whether so intended or not,) than anything else.

The President sends a proposition, inviting our free determination upon it; and when we are about to express our opinion as to the measures he proposes, we are met on the threshold, by his most confidential friends in this House, and told that we must not look into the details of this measure; we must not even look into the documents he has sent us for the evidence of his intentions; we must consider the whole project in gross, and have full confidence in the Executive discretion; and that we will violate the constitution, if we express any opinion different from that of our Committee of Foreign Relations. This is not all. We may consider the propriety of making the appropriation, but subject to the "moral obligation" of voting the supplies to carry into effect whatever the President and Senate may constitutionally do!

If this is "free determination," I am at a loss to understand it. Such may be the appearance on the journals, but it cannot be real; the whole tendency of such doctrines is, to make the Executive power absolute, and prostrate this House at its feet. The President may discuss his measures before us, our committees may discuss them, and make long detailed reports upon all the topics suggested by the President, and express their opinions on each, but this House must not speak, unless it be in an affirmative response to the Executive edict. I am sorry to see so much zeal in support of what I consider a repudiated doctrine, on Executive confidence, and especially from my colleague who spoke on a former occasion, (Mr. WURTS,) for whose sound republican principles, and for whom, personally, I have very great respect. He, sir, if I am not mistaken, asked if we "would suppose the President would do

wrong." [Mr. WURTS explained, that he must have been misunderstood; if he had used such an expression, he only meant that a reasonable confidence must be reposed in each department, that it will do its duty within its sphere; that he did not intend to express any idea of a special confidence in public men.] Mr. I. observed, I am happy to hear the explanation of my colleague; as the remark is now qualified, there is little difference between us on that point. The expression, as I have stated it, was used, though I have no doubt it was a mere slip of the tongue; it only serves however to show the danger of sustaining arguments fundamentally erroneous. If my colleague had not been on the brink of the precipice, he would not have fallen in. I am glad to hear him disavow the principles to which such doctrines lead.

Man is not changed, Mr. Chairman, by time or place: he is still the creature of education and of habit. Remove the means of education, and in a single age the whole human race would sink into savage ignorance. Principles alone can control and fix his habits. Principles are every thing in politics. I would, without claiming any other right to offer advice to my younger friends than that which I may derive from some more experience, warn them not to adopt principles in any case tending to fix erroneous habits of thinking. Principles are every thing in politics. They perform for man, in the political world, what divine institutions do in ethics; they are the great landmarks which must guide us in our path of duty; these alone, can preserve us from the influence of personal feelings or political bias. Principles, I say, are every thing in guiding the mind to determine such questions as this, in which they are so deeply involved. The question is nothing, more or less, than whether this House, the Representatives of the people, shall freely exercise a perfect constitutional right, in declaring their opinion on the great interest of our country. Suffer this right to be prostrated, (for where men adopt false theories for a particular purpose, they are apt to regard them afterwards as true,) I say, suffer this right to be prostrated by such doctrines, and what becomes of our Government? It will soon sink into despotism. The Executive will is every thing—popular will nothing. We must appropriate the people's money, whenever the President demands; and, above all, we must not examine into our foreign affairs: these belong to the Executive prerogatives, although they may affect our destinies more seriously than any other concerns committed to our charge. Let this doctrine be finally established, and we would soon have a Cromwell to turn us out of doors, whenever we might hesitate to obey him.

As long as I shall be trusted by my constituents with a seat on this floor, I will maintain, with all my feeble ability, this power of the House as a sacred trust not to be betrayed, nor the duty under it to be violated by any en-

croachments whatever, either from without, or the more fatal encroachments from within. Mr. Chairman, it is no less a violation of duty to surrender a power which the public good demands that we should exercise, than it would be to usurp a power. I have considered this point as one of the most important in discussion, and have, therefore, dwelt on it at so much length. In my judgment, the right is a perfect constitutional right, and ought forever to be asserted and maintained as such.

I will now beg leave to add something to what has been so much better said, by others, in relation to the proposed mission to Panama. Can any one doubt, who has read the documents on your table, that a political connection is contemplated with the confederated Governments of Southern America different from the connection we have had with any other Government since the French treaty of 1778? Is not this a new position, a new epoch in the history of our country? May it not lead to consequences which none can now foresee? One of the avowed objects of this mission, is to enter into a stipulation with the Governments at Panama, that we will prevent colonization on our own territories. I would appeal to every member of the committee to say whether this is a fit subject to go abroad to make stipulations about? Can we not take care of our interests without binding ourselves to a foreign country to do it? Was there ever such an itching for mingling in the affairs of foreign countries? We are told, there is no danger of an injurious treaty, as the Senate will have to ratify before it becomes obligatory upon the United States. This may increase the security in this case, but does not relieve us from our proper responsibility. When I consider it my duty to do any act, I will not refrain from it because there is a probability that some one else will do it: but there is another point which cannot be answered by referring the responsibility to the Senate, and I beg the attention of the committee to this subject. I should be glad to hear from some gentleman who may follow me, a precise answer on this point. The President proposes, in his Message communicated to this House, to enter into a "joint declaration" by the Plenipotentiaries of this Government, and the deputies of the confederated Governments of South America at Panama. A joint declaration is to be made in relation to the question of an interference on the part of the Governments of Europe with the Governments of Southern America. And what is a joint declaration? Does this belong to the treaty-making power? The President and Senate may make treaties, but where do we find any power given to the President to authorize the Ministers of the United States to do any thing (much less commit the future neutrality of this country) by any pledge or declaration, or manifesto in connection with a foreign Government, except by treaty? Shall we be told

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that this declaration will be submitted to the Senate for their ratification? Or is it to be submitted to Congress for some enactment? If it were, it would no doubt come with the usual entanglements which have been contrived to sustain Executive power, viz: The pledge of the public faith, &c., and moral obligation to redeem. But it is not intended to come back for ratification; and can, therefore, be considered in no other light than as a palpable and flagrant usurpation of power; because we cannot find in the constitution any authority given to the Executive to enter into a connection with foreign powers, by "joint declaration." Either of the branches of this Government might, with propriety, declare its opinion on any subject of foreign policy. Such a declaration would, like our enactment of laws, be within our own control. But associate with one or more foreign powers in a declaration of the kind proposed, and it assumes a very different character. It would be a pledge—nothing less than a pledge; binding, if constitutionally made, the honor and faith of this nation; and would, if any case within its possible contemplation should arise, come back upon us with all the force of moral obligation to redeem it. It has been said in this debate, that "when nations speak, they mean something." This is certainly true, and whatever you would say in a "joint declaration," such as is proposed, you would mean to assert and maintain. But if the President had power to make a pledge in that form, it is the worst form which the proposed political connection with the Southern American Governments could assume. It is insidious in its commencement, and contains within it a poison that, however slow in its progress, must, if attempted, endanger the vital interests of our country.

I should be glad to hear what can be said in defence of this part of the scheme at Panama. Mr. Chairman, we ought to be aware of such pledges. Have we not already seen the use which has been made of the Message of the late President in our negotiations abroad? Although it was a declaration unconnected with any foreign nation, and all its purposes completely within our own control, yet it has been used by our Minister at Mexico as a pledge, and it is clear that he has been authorized so to use it by the Department of State, by which it is distinctly spoken of as a pledge, and urged as a reason for insisting upon commercial privileges from Mexico. It is even probable that, in pursuance of these representations, we have now a commercial treaty negotiated with that Government, actually, if not literally, upon the basis of this pledge. If such a declaration as that made by Mr. Monroe can thus be interwoven with and used as a pledge in our foreign negotiations, what would be the character of the pledge which might be made of a Congress composed of Plenipotentiaries from seven or eight Governments?

Reject the amendment under consideration,

and sanction this purpose now, and whatever the consequences may be, will you not be told hereafter that the project was submitted to you, and received your sanction; that you have refused to qualify it when the question was distinctly presented, and have thereby given it a form and character which it could not otherwise have had? According to my construction of the Message of the President, he has acted fairly, in inviting our free deliberation on this subject; and, although we may think some of the purposes he has in view to be erroneous and injurious to the country, yet, after he shall have made the stipulations which he has told us he intends to do, we should be much at a loss for an excuse to refuse our aid to carry them into effect. The President would say, I laid the whole matter before you, and you not only gave it sanction generally, but, when the question was presented whether there should be any qualification of, or restraint upon, the measures I had proposed, you declared by your vote there should be none, and thereby sanctioned my whole purpose as I laid it before you. Such would be the language he would hold; and this, added to the doctrines of moral obligation we have heard so much about, would completely conclude us.

Do gentlemen perceive what nets are spread for us? We must trust every thing to Executive discretion; we must not express an opinion, even when asked; and whenever he, by his Ministers, shall pledge the honor and faith of this nation, by treaty, or manifesto, we, the Representatives of the people, to whom are committed the purse-strings of the nation, are bound to appropriate without inquiry. Such doctrines do not belong to my political creed.

I regret that the President has abandoned those principles, in relation to our foreign policy, which I am sure he formerly maintained. I need only refer to the discussion upon the resolution of the Secretary of State, urging the recognition of the independence of the South American States, before they were, in fact, independent, and to the arguments of the Committee of Foreign Affairs, then coinciding with the Department of State, to show that the opinion of the then Secretary of State and present Secretary of State were directly at variance as to our neutral policy. In 1816, the present Secretary of State declared in a speech on the floor of this House that the United States would be justified, by every principle of public law, in embarking in the war between Spain and her colonies; and that we ought to embark in it. The only qualification he used, was, that we ought to have a proper understanding first with other powers. This was, however, only a consideration of expediency, and could not affect the question of right to embark in the war. He must, therefore, be considered as having avowed the policy of embarking in that war. I have not the speech before me, and speak of it only from memory. It is many years since, but I cannot be mistaken. Congress

thought differently—the President thought differently—and the next Administration have pursued a very different policy: they would not even recognize, by sending Ministers, till the South American Governments were clearly in possession of the authority in those States. And this policy, no doubt, received the approbation of the then Secretary of State, (now President of the United States.) Here, then, is a question on which these gentlemen were at issue. The present Secretary of State was willing to go to war in 1816 against Spain. He was, of course, willing to incur the same risk in 1818, when he introduced his resolution to recognize the independence of South America. In this he was consistent: I disagreed with him then, as I do now. But he was consistent—he always wanted to have something more to do in that contest than the Administration, or the House of Representatives, or the people of this country were willing to indulge him in. The event has shown that we, and also the South American States, have done very well upon the neutral policy. They have achieved their independence without foreign aid, and we have avoided not only a war with Spain, but we have shown to the world that we will not officiously interfere in the affairs of other nations.

This Government chose its own time for recognition; after the most deliberate consideration, we determined to acknowledge, as we have always done, the Government, *de facto*, without waiting till it might suit the stubborn character of Spain to acknowledge the independence of her colonies, which she did not do in relation to Holland for near half a century after all attempts at subjugation had seemed fruitless.

I have said there was a difference of opinion between the President and Secretary of State, as to the neutral policy of this country in relation to South America; and the difference between them was this: the former was willing to recognize, when it could be done without just cause of war with the mother country—the latter was quite willing, if not anxious, to take part in that war.

We have been almost forbidden to look into the documents on our table for evidence of facts in relation to this subject; but I will take the liberty of referring to a paper which has not been laid on our tables. It is an article which made its appearance in a paper that was then under an engagement to have the patronage of the State Department, and which now prints the laws "by authority." This article appeared, when all was quiet in this country, on the subject of embarking in this splendid scheme of a mission to the Confederate Assembly at Panama. It is remarkable, too, that this article appeared about the time of the conversation held at the Department of State, last Spring, with the Ministers of Colombia and Mexico, on the subject of our invitation to that Congress. This article is evidently written with some care, and presses its purpose with

both zeal and ability, through a channel devoted to the State Department, and not very friendly to the President. It would not be presuming much upon credulity to suppose that it might have passed under the eye of, if it had not been written by an amanuensis of, the Secretary of State himself. What is it? After adverting to some fact stated in a South American paper, it proceeds thus:

"It has been announced by the Government of Colombia, that a Congress of the States of South America will probably meet at Panama in the course of the present year. Will not these United States be represented there? Will we lose the opportunity of expressing, by an ambassador, at least, our fraternal feelings towards the other inhabitants of the Continent?"

"Let them propose to all the American nations a confederation. The details of so magnificent a work would require long and laborious consideration; but the leading principle should be the establishment of a constitution something like our own, by which an Areopagus or Congress should watch over the mutual relations of the Confederate States; and which would wield the force of the Confederate States in defence of any member that may be attacked; such are the bases which would insure to us power and peace, and secure to the founders praise and gratitude from posterity. It is a practicable plan now. We have, at present, no conflicting interests with one another. The proposed scheme is intended to prevent our ever having them; or, if they should arise, it provides for their amicable arrangement.

"It is objected that foreign nations will view the confederation with jealousy: I answer, first, it will be strong enough to conciliate the good, and regard the rage of unjust men with indifference. Treaties of mere alliance have not hitherto been found sufficient; they have almost always terminated in disgust, and have been broken. Secondly, I answer, that, in modern times, the example has been repeatedly set us. The Holy Alliance is itself an example. The Germanic Confederation as it was, and as it stands, is a case in point. The Confederation of the Rhine another. The former union of the three Crowns of England, Scotland and Ireland, another; as also the former, and perhaps present condition of the dominions of the empire of Austria. The Heptarchy of England, and nearly all the nations of Europe in the dark ages, to say nothing of the Greek Confederation in ancient times. The errors of these examples are before us, to warn us against their repetition, and to instruct us how to organize our confederation.

"This scheme of a general Confederation of the Americas is submitted to the public as a means of securing power abroad and peace and happiness at home. Humanity, policy, and reason, call upon us to rivet the bonds of fraternal affection, &c., and to guard, with a sacred vigilance, against the rupture of a single link. A confederation alone is competent to this duty. Without it we submit to the ordinary fate of other nations: jealousy, discord, and war, whenever any nation thinks itself strong enough to wage one with impunity."

This article, of which I have read only an extract, finds its way to Washington. It no doubt met the eye of the President, who must have

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been at that time very much alive to this subject. This splendid scheme of a confederation of the Americas was not suited to his taste; and he, of course, would have no inclination to be moved upon, even by his Secretary, in a matter of that kind. Soon after the article made its appearance in Washington, we find it republished, "by request," in the *National Intelligencer*, with the comment which I beg leave to read:

"We have seen the purposes for which the statesmen and Government of Colombia are said to desire to hold a Congress, or Amphictyonic Council, as it has been called, of the American Governments, to which it is surmised that the United States have been, or are to be, invited to become a party. We cannot permit this proposition to pass without a remark, lest our silence might be taken for assent to it, in any shape; or even for indifference in regard to it, so far as this nation is embraced in it. If the public sentiment be in accord with ours on this point, we shall never send a Representative to any Congress of nations, whose decisions are to be law for this nation. Our own confederacy insures the power and the mode of asserting our own rights, and vindicating our wrongs.

"By an alliance with any other nation or nations, it is obvious we shall not strengthen but expose ourselves. We should lose, by any such alliance, the independence which is our boast. For what is independence but a name, if the question of peace, of war, &c., are to be determined for us, not by the Congress of the United States, but by a stupendous confederacy, in which the United States have but a single vote." "It will be seen that we consider the proposed confederation as intended to possess the powers, as well as the name of the ancient council of Amphictyons, having power to cause obedience to its decrees. It is surely not necessary to urge arguments against a departure from that cardinal principle in our foreign intercourse which distrusts and rejects alliances with foreign nations for any purpose." "Every one will see at a glance the vital objections there are to this Government's coupling its destinies with those of any other people on earth."

"The Amphictyons of Greece were a body necessary perhaps in that age, among other objects to keep alive religious institutions, and to protect its oracles. We have no sacred wars to wage, nor occasion for a Holy Alliance to protect either our religious or our political rights. It is no reason, because such a measure has found favor among the nations of Europe, that it should be resorted to by the nations of America."

"We have spoken of the proposed Congress of American Governments as of a confederacy of those nations. If, however, nothing more be meant than a conference of Ministers, &c., to consult upon what the interests of the whole may seem to require, we do not know that we should see any other objection to it, than that it can be productive of nothing beneficial. If such a conference were proposed, perhaps mere courtesy might induce an assent to it on the part of this Government, were it only to assert the doctrine that, in becoming independent of the Metropolitan Governments, the Governments of America ought not, and, as far as respects this people, will not, be independent on one another."

"Against the magnificent scheme of the Phila-

delphia *Mutius*, we enter our decided protest. We want not his Areopagus, any more than we do the Amphictyons. For our Areopagus, we are satisfied with our bench of judges; and, for our Council of Amphictyons, we choose our Congress. We desire, in fine, to be members of no confederation but that of the United States."

It is apparent, at a single glance, that this paper was written by some person who had reflected maturely on the subject. It was done when this nation was not dreaming of any schemes being on foot to entangle our destinies with South America at Panama. I would appeal to every one who has paid the least attention to the style of a distinguished functionary of this Government, whether he does not perceive a most striking resemblance to it in the style of this paper. Mr. Chairman, it was written by no every-day scribbler. If, after a comparison, any one shall doubt, I will only say he is more sceptical in his disposition than I will acknowledge myself to be. I will not conceal my belief as to the authorship of the two papers: so far, at least, as to declare that I am convinced that in the Philadelphia paper was written under the eye of the Secretary of State, and that in the *National Intelligencer* under the eye, if not by the pen, of the President himself. I pretend not to have any other evidence of this fact than what will be found in the articles, the circumstance of their appearance, and the known opinion of these two gentlemen on the subject discussed in the papers; I will not, therefore, be suspected of having betrayed any confidence in relation to any supposed knowledge of their authorship. I will only add, that the last contains more good sense, upon a subject somewhat intricate, than I have ever seen comprised in so small a space. It is, in my judgment, one of the ablest papers that I ever put my eye upon. If I am correct in my supposition as to the authorship, these two papers will give us the free and untrammelled opinions of the two statesmen at the head of the Executive Department of the Government at that time. These opinions are not more opposite than they were known long since to have been, in regard to our connection with South America; but here they are presented in distinct and undisguised colors, clearly exhibited and easy to be understood. The Secretary is for a magnificent scheme of confederation of the Americas in the grand assembly at Panama. "Treaties of mere alliance will not do." Then he runs over the examples of grand Congresses in modern times: at the head of these is the "Holy Alliance" of the European continent! Excellent example! And at the tail, the heptarchy of England! "The errors of these examples," says he, "are before us, to warn us against their repetition, and to instruct us how to organize our confederation." But we find the President protesting, in the most decided terms, against the magnificent scheme of the Secretary. They appear to have been, in fact, as opposite as the Antipodes. We



shall presently see how they are brought together. The first movement made by the Secretary was his conversation with Mr. Obregon and Mr. Salazar, which, he carefully tells us, was held, at their instance, at the Department of State. The result of this verbal conference is to procure a sort of invitation, or, rather, an inquiry, whether it would be agreeable to the United States to be invited. The Secretary received it with great complaisance, but somewhat coyish, no doubt. He reports the matter to the President, who desires to know the "objects of the Congress and its mode of organization and action;" and, if these preliminary matters could be arranged, the President was willing to send Ministers to Panama. The answer of the President was communicated to Mr. Obregon and Mr. Salazar verbally, (I could wish it had been in writing, and then there could have been no mistakes or misunderstandings about it.) These gentlemen write home to their Governments, and, on the 2d and 3d of November, they inform the Secretary of State of having received further instruction to give us an invitation to the Congress. Mr. Salazar informs him of the objects which it was expected we would take a part in the consideration of: but he says not a word on the subject of the "organization and mode of action" of the Congress, not any more than if it had never been presented to his attention. He seems to understand that, if the President approved of the subjects to be discussed, he would send a Minister to represent the United States at the Congress; no other condition is adverted to upon which the invitation was accepted.

Mr. Obregon seems to have understood this verbal communication of the Secretary somewhat differently, viz: That the only condition of our acceptance was, "that our neutrality with Spain should not be violated, and that the President should be informed of the affairs with which the Congress was to be occupied, and of the uniformity of the credentials or authorization of the respective Representatives:"—now the condition required by the President was, that the preliminary points, including the mode of organization and action, "should be satisfactorily arranged," and not, as Mr. Obregon supposes, that he should merely be informed of them. There is an evident misunderstanding between them. Mr. Obregon does not even seem to know the conditions required by the President: for he does not advert to them at all; neither he nor Mr. Salazar says a word about "the mode of organization and action," in the Congress, nor afford any evidence that such an inquiry had been made by the Secretary of State. Nor do we yet know any thing on that subject; although the organization of the body must determine whether it is a confederation or a diplomatic council. We are, to this moment, wholly in the dark on this important point, whether it acts by the common will of a majority, or two-thirds, or three-

fourths, or whether unanimity is required. This was evidently a serious difficulty; but no explanation had arrived on the third of November, and there was no time to be lost. But this difficulty was got over in some way. After deliberating twenty-seven days, the President agreed to waive all his objections to the organization of an Areopagus, or Amphictyonic league, and determines to consider the assembly as merely "consultative" in the first instance. (I regret this qualification. If he should adapt the instructions of our Ministers to such a body, and it should turn out to be a confederated body, acting by a common will, voting by a majority, or two-thirds, &c., what will he then do? Will he send the Ministers into the assembly, and suffer the interests of this people to be voted upon by a foreign Congress?) This is the President's first waiver in this contest with his Secretary. Now let us see what advance the Secretary makes to meet him. He has apparently waived his magnificent scheme of "confederating the Americans," and is content to make some treaty-stipulations: and what are these? Mere entering wedges! Yes, sir, I beg attention to the words, mere entering wedges, to open the way by degrees for future operations. I want to see no such entering wedges in the hands of a man who combines so much of qualities rarely combined, viz. temerity and perseverance. But the President does not consent, after the debates in the Senate, to make treaty stipulations, involving our neutrality. They finally agree, however, to propose a stipulation that each country will defend its own territory from foreign colonization, and to make a joint declaration about European interference in the affairs of South America. This, it was supposed, could do no harm; and here these two very distinguished statesmen have come together, and this is what we are called upon to spend \$100,000 of the public money for, in order to make our appearance at the splendid Congress at Panama.

The President seems to think he has rendered the measure harmless, and the Secretary is satisfied with having secured his entering wedges. But there is one point to which I beg the attention of the committee, because it is yet unsettled. The President, in every communication on the subject, promises not to "commit our neutrality;" when the Secretary speaks on this subject, he always uses the words "present neutrality." Now, we know that a stipulation of alliance, offensive and defensive, to take effect in any future struggle, would not commit our present neutrality; but it might commit, most dangerously, our future neutrality. There is, then, a difference between the two expressions, which is intended to mean something.

I have said that the documents do not show any evidence of entire reconciliation on this point. Now let us see who has gained his point. The Secretary of State writes a circular

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to Messrs. Salazar, Obregon, and Canas, informing them of the acceptance of the invitation, upon the terms, and for the purposes proposed by them, in the following words: "He (the President) has therefore resolved, should the Senate give their advice and consent, to send Commissioners to the Congress at Panama. Whilst they will not be authorized to enter upon any deliberation, or concur in any acts, inconsistent with the present neutral position of the United States, and its obligations, they will be fully empowered and instructed upon all questions likely to arise in the Congress, on the subjects in which the nations of America have a common interest."

This is a letter purporting to have been written by direction of, and under the inspection of, the President himself; whether it was so, I know not; but it is a formal declaration of the position our Ministers are to assume at the Congress, and a copy of it is, before this time, with the Governments of Mexico, Colombia, and Guatemala. It contains no reservation as to objects affecting our future neutrality; and I take it for granted, from this material fact, and from every thing on that subject, throughout the whole documents, that it is intended to adopt measures which may, and probably will, affect the future neutral relations of this country. Now, if the case was presented for my solemn determination at this moment, I would rather commit the present neutrality of this nation, by immediately embarking in the war between Spain and South America, than to form any entangling alliance, or stipulation, which would oblige us to embark in war hereafter, the merits of which I could not now determine on. Before I would consent to pledge this country in any war, even of our own, I would be sure that we had justice on our side; and how much less willing should we be to commit ourselves in a future war, in defence of a foreign country, without the possibility of such an assurance?

Mr. Chairman, although this question seems to remain unsettled between the President and his Secretary, my belief is, that the President disinclines to commit the present or future neutrality of the country. But not so with the Secretary: he, in perfect consistency with his whole policy, would hazard both, if it would aid him in accomplishing his grand scheme of confederating the two Americas, by which, as his *Mutius* says, we should acquire so much "power abroad." Sir, we do not want any power abroad, except that moral power which justice and neutral policy, and a faithful attention to our concerns at home, will give us. I, therefore, will not vote for an unqualified approbation of this mission. I have no difficulty about the question of appropriation. I will not, so far as my vote will prevent it, surrender the powers vested in this House by the constitution. If I did, I should betray the interests of the people who sent me here, whose approbation, connected with a consciousness of having faithfully performed

my duty to them, is the highest reward I can desire.

In my judgment, the material question to be decided is, whether we will approve of the purposes avowedly intended to be effected at Panama, as appears by the documents, at the hazard of an entanglement, which no one can see the end of? I have shown, I think, to the satisfaction of every one who hears me, that the President and Secretary of State have been at variance themselves on the subject, and that their own deliberate views were so opposite, as to be utterly irreconcilable, upon any rule or principle of action: and hence it is we find, throughout the whole of these documents, purposes and doctrines so incoherent, incongruous, ambiguous, and incomprehensible. I venture to say, and will appeal for the truth to any candid, dispassionate man in this House, or out of it, to say whether he believes such another medley was ever presented to any deliberative body, in an enlightened age. Well may gentlemen try to sneer at us, or in any other way put us out of the notion of looking into these documents. One thing only is certain in them: that is, the evidence of a deliberate purpose to adopt a new policy for this country, by forming a political connection with the South American nations. To this purpose, in whatever shape it may be presented, I never can give my consent—and I object to it, not much more on account of its changing our old and settled policy, than on account of the doctrines which have been advanced to sustain it, and without which doctrine it could not receive fifty votes in this House.

The doctrines asserted to defeat this amendment, are the same identical doctrines which prevailed in, and were the cause of, "the reign of terror." They are based upon the idea of Executive infallibility, and that of the duty of the House of Representatives to support, by approval, when that might be necessary, every act incidentally involved in the Executive duties. We are told, in this republican age, that this House must not speak about our foreign policy—because it belongs to the Executive; and that, when he speaks, we must obey. Sir, these are doctrines suited better for tyrants and slaves than freemen. Let them once be sanctioned, and a single step farther will make another sedition law: for, if we have no right to speak on public measures, it is but another step to say the people have no right to speak, and if they have no right to speak, you have a right to stop them from speaking. Such is the course of reasoning which led to the encroachment on liberty in the day of that famous law. I refer not to the reign of the first Adams, that dark period of our history, with any pleasure: far from it; but to look for beacons to warn us of the dangers which surround us.

Is it not true that some gentlemen are looking for a revival of the principles which predominated in that day? What did the gentleman from Massachusetts (Mr. WEBSTER) mean, when

he, in a tone of significant complaint, said, the gentleman from Delaware was the last man in the House from whom he would have expected the avowal of the opinions urged in support of this amendment? Mr. Chairman, is it come to this, in the first year of this new era, that we shall hear the old repudiated doctrines of '98, which have been buried for a quarter of a century, boldly revived and reasserted? I would be glad to know what the gentleman from Massachusetts meant by the rebuke, unless he thought he had some claims on the gentleman from Delaware, as a disciple of those repudiated doctrines. I do not know that the gentleman from Delaware ever avowed such opinions; but I do know, there was a time when these gentlemen pursued different roads, and which, in my judgment, involved an unerring test of public virtue; and beyond that period, I do not wish to go to find party distinctions. I can find a sufficient test there, for my political friendships. In the late war—the second war of Independence—when we were contending with the most powerful nation of the earth; the enemy laying waste every village, and even cottage, within the reach of his power; when fiscal embarrassments pressed heavy upon us; when, in fact, the country was bleeding at every pore, the gentleman from Delaware had shouldered his musket, and marched to meet and fight the enemies of his country, as did my honorable colleague, (Mr. BUCKANAN,) and many others of the same political faith.

But, Mr. Chairman, I ask, where then was the gentleman from Massachusetts? I can tell you, sir. I was a member of the same Congress with him. Many of my constituents, and those of my colleagues, were suffering every thing which the human constitution could endure, braving the enemy on the northern frontier, or blanching in cold and comfortless tents on the shores. Their sufferings were aggravated by the want of the common necessities of life. I speak from knowledge and experience, and not at random, when I say, that the gentleman from Massachusetts was then engaged, not only in withholding the supplies, but literally lashing with pinions the arms of the brave defenders of his country, and in devising every means which his capacious mind could conceive to resist a vigorous prosecution of the war; identified with every combination and faction, Hartford Convention and all, to unnerve the arm and weaken the power of the Government, when the enemy was at our doors, and his bayonet at our breast. Sir, the gentleman stood in the same relation to the domestic enemies of his country then, that he now does to most of the opponents of this amendment. He was their *Magnus Apollo*! To him they looked for guidance in every movement; he had only to wave his hand, and they obeyed the signal. But the country triumphed without his aid; the war terminated in a blaze of glory. The nation still feels, and, I

trust, will never cease to feel, the beneficial consequences of the heroism displayed in that war. But none of these feelings found a place in the breast of the orator at the laying of the foundation stone of the Monument of Bunker's Hill! Ill-fated Bunker Hill! Illustrious mound! consecrated to virtue, liberty, and love of country! Thy glory was perfected! Alas! that it should have been stained by an oration on thy summit, in which all the glorious achievements of the second war of Independence were carefully remembered to be forgotten! Can I, while I feel the responsibility of my station; can I, knowing these things, be expected to act upon faith with the gentleman? No, sir! I cannot be led away by the sympathies of any man for foreign countries, who had so little for his own in the hour of her greatest perils. Sir, we have heard much about faction; not, indeed, within these walls, except in the form of echo. According to my understanding of the word, there is no sin tolerated by human laws which I do so much abhor and abominate. Mr. Chairman, a whipper-in, whose father and brother have lately received distinguished appointments from the present Administration, has sought, with what success I know not, to pay the family debt, by denouncing as a factionist every member in either House who is disposed, in time of profound peace, to "deliberate," when the Executive calls upon him to "act." Mr. Chairman, the charge of "faction, unprincipled faction," comes with an ill grace from such a family. The father was one of the fathers of a factious combination, during the late war, not less wicked in its motives than the Hartford Convention itself in its worst aspect. He opposed, in the other branch, with all his power, and most insidiously too, every measure intended to give vigor to the prosecution of the war. Another member of the family, a brother, was a member of this House at that time, and he declared upon this floor that the then President of the United States (one among the most virtuous and intelligent men of this or any other age) "deserved a halter!"

I regret, in the course of my public duties, to be under the necessity of thus referring to the conduct of a man, venerable by age, and highly respectable for his early services; but the conduct of public men is always a proper subject for animadversion, and I act on the defensive. Are we to sit in silence, when assailed from such a quarter as a faction, "an unprincipled faction," because, when the great interests of the country are under our consideration, we choose to examine them for ourselves, as it is our perfect right and solemn duty to do? I may be excused, I hope, for indulging some sensibility under such a charge. I have seen, and therefore know, something about faction. I do not recur to these recollections through any feeling of malevolence, but to point where the beacons are that will guard us from some dangerous rocks and shoals, in the way of our voyage of life. I well remember when faction

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reared her haggard mien within this House, and had determined that nothing should satisfy her vindictive rage but the expulsion, *per fas aut nefas*, of every public functionary from the Departments of the Government, or that they should stipulate to take into the Cabinet a majority of the worthy factionists themselves. That was faction! It was in the most gloomy period of the war. Every heart which had a spark of patriotism was anxious for the cause of the nation. Many, who had been opposed to the declaration of the war, had then determined to defend the country. Such was the disposition of a great number of the Opposition, especially in the Middle and Southern States; but, as the clouds of adversity lowered on us, faction reared her crest still higher. The greater the difficulties and dangers, the more bold and arrogant was she.

I cannot dismiss this subject without advertising to an incident in that period of our history never to be forgotten. New Orleans, the Key of our Western Empire, was invested by the most formidable army that had ever placed a hostile foot on our shores. The only defence was a mere handful of raw militia, led on indeed by one of the most gallant men that ever lived! yet provided with nothing for a vigorous defence, but the force of his genius, and their own strong arms and patriotic hearts. Congress was in session; we were waiting in the most anxious suspense, apprehending a most fearful catastrophe. Two weeks passed away without a mail. The factionists had predicted what they wished to be true, that Jackson was defeated, and New Orleans sacked. At length the glorious news arrived; the letters to the War Department were sent to the chamber of the House of Representatives early in the morning, and read in one of the committee rooms, over and over and over again, to the successive throngs that crowded in to hear the joyous news. When this scene was over, the members returned to the hall: the different parties then occupied different sides of the House. On the one side was a scene of incessant greetings, salutations, and congratulations, approaching to ecstasy. On the other—sat faction! Yes, gloomy faction! with dark and lowering brow, pondering in sullen silence upon the causes and consequences of this death-blow to her last hope. Sir, no human tongue can describe that scene, as it now presents itself to my memory. If I could, I would gladly forget every thing on one side of the picture, while I would cherish, to my latest breath, every thing on the other. But, sir, while these recollections remain, it is impossible that I can consent to sacrifice any interest of my country, because I may dislike the men who may happen to be in power. Neither can I put myself in the wake of any men, associated with the most wicked factionists of that day, and seeking to entangle our country in a foreign alliance, by way of a "speculative experiment," to divert public attention from their own political sins.

Mr. AROHER.—The President had said that objects of the highest importance, in reference to the general welfare of the human race, and bearing on our own specially, would engage the attention of the Congress at Panama; that the lapse of many centuries might probably fail to present an occasion so favorable for the advancement of some of the most essential of those objects; that "among the topics to be presented for discussion, there was scarcely one in which the results of the meeting will not deeply affect the interests of the United States." And yet, what does he allege as the primary inducement to the deputation of the mission? A compliment—a manifestation of courtesy to the new States of South America. This would be with him a sufficient reason for the rejection of the measure. He could not consent to institute a mission of this delicacy, to be confided to the discretion of an officer who held language of this sort. The manifestation of courtesy to the new States of South America! And where was this manifestation of courtesy to end! Had we not been the first to recognize these States—sent Ministers before they were received—negotiated with Spain, with all the great European powers, to obtain the recognition of their independence? Is further evidence required? He was afraid, that by multiplying endorsements on our bill, we should bring our credit into hazard. He would admit that objects of importance were connected with the mission, and there was a remark of general application to them. Why not pursue the usual obvious mode of separate negotiation with the several States, instead of negotiation in Congress? This last mode had undoubtedly a less degree of facility to recommend it. With three of the most considerable of the new powers, we have effected treaties by the former mode, embracing all the objects we had proposed. Why deviate from a method which had been thus successful, or distrust its results, in relation to the remaining States? The President had informed us of the auspicious results and promise of the mode of negotiation we had been pursuing, yet, in the same breath, recommends this mission. What reasoning was there in this? Consider the several objects suggested. To obtain regular information of the proceedings of the Congress. To supply a definite explanation of our views and policy. These were proper objects. Did they require our participation in the proceedings of the Congress, and engagements in the questionable course of its policy? commercial arrangements, and the adjustment of the doctrine of blockade? The former, as far as we had proposed, had already been attained, or were in a certain course of attainment, by ordinary negotiation; and on the subject of blockade, no adjustment was required. There had been no contest on the principle, amid all the contention which the application had occasioned. The controversy related to the application only. The just doctrine was perfectly understood—threatened with no disturbances, and had been recognized without hesi-

tation by the only one of the new States with which a question had arisen on the subject. Then no Congress was wanted to settle this matter.

But there are reserves. The Slave Trade and the island of Hayti. There is no gentleman on this floor who does not believe the policy of this country on these points should be inexorably fixed, without reference to other objects or other nations. By relaxing our policy on these subjects, we shall bring a moral and political contagion into our country. We can only act with an exclusive reference to our own peculiar views. Why should not the South American nations admit Haytien vessels and black Ministers? They have or may recognize the independence of that island, and are influenced by none of those objections which have weight with us. What ground of objection can we have? How can we then, situated—fettered as we are, ask them to go into negotiations on these points? We cannot change our policy: where then is the advantage of negotiation, where the fairness? Shall we ask them to change their policy? Can any fair and reasonable man consent to go into the Congress of Panama to deliberate on this subject?

Again: as to Cuba and Porto Rico. Some gentlemen, who are said to be in opposition to this mission, say, we ought not to go into discussion on these points, because our Government stands committed. Mr. Clay has stated, in official communications, that, whilst we could not see with indifference the transfer of these islands to any European power, neither could we be justified in opposing their acquisition by one of the South American States by a lawful operation of war. It was affirmed, on the other hand, that these pledges were of no force; that in reference to obvious and high considerations of interest, we should do wrong to suffer the South American Governments to seize these islands. Both by those who are opposed to this measure, and those who defend it, we are shown to be in a situation in which we cannot act in relation to those islands. It would be an insult to send Ministers under these circumstances. He did not see, however, that we are committed on this subject either to one course or another. He denied that there is any settled principle which is referable to this subject. Our policy should vary according to circumstances. Ought we to allow a transfer of these islands to any European power? If the power to which they are transferred be a weak power, we could have no objection. Again: as to the mode of transfer. If the transfer be made by a lawful mode, who would say we ought to interfere to prevent the cession of these islands? How could doctrine of this character be maintained? Let a case be stated to exemplify it: Suppose that Spain should enter into a treaty with France, by which France should say to her, you shall give up those islands, and we will then withdraw our troops from your territory, and permit you to remodel your political constitution on a basis of free-

dom." Who would consent to condemn Spain to such slavish subservience as to compel her to refuse such an offer? Who would consent to tell her she is not at liberty to make such terms? He knew, nor could conceive of any authority which could be shown for such an infringement of the right to transfer territory on the part of the lawful possessor. If Spain transfer these islands, shall we adopt a course which is in opposition to the principles and practice of public law and justice? Can we remodel the laws of nations so as to make them conform exclusively to our views and interests? We ought not to do so if we could. With his consent we would not attempt to do so. There is no danger so great, so much to be dreaded, as the perpetration of injustice to a power weaker than ourselves. If there was any man who could hold the opinion that this course is to be defended, he would not hold this opinion. Such was not the opinion which could be reconciled with interest any more than justice or generosity. The Secretary of State did not see how we could prevent this transfer to the South American States, if made by lawful operation of war. On the contrary, there were gentlemen on this floor who had spoken of resistance in this event—who had said we ought to resist any attempt to take possession of these islands by the South American Governments. He was not prepared to say, when these Governments had but one way of wounding their adversaries, and that was by taking possession of these islands, that we ought to interfere to prevent it. If, according to their own view of their own policy and their own interests; if, with a view to facilitate their ultimate triumph, and the recognition of their independence, they should think fit to proceed in this way, it would be the mere violence of power for us to say to them that they should not so proceed. He could not see how such a proceeding would interfere fatally with our interests; he did not see how it came in such perilous conflict with our policy. If, however, it does; if its tendency was to set up a formidable power within a league of our own shores; if it would set up on our immediate frontier a threatening, powerful, and petrifying despotism; even under such aggravated circumstances, he would not say to a weaker power, "Because we are strong, and you are weak, I will check your lawful course, and defeat your fair purposes." No. Perish the Southern States—perish rather the country to which he belonged! Perish all that was near and dear to him in heart and hope, before he would hold language so selfish and unmanly—the language of such a cold and withering tyranny.

We ought not, then, to go to Panama. By the one party it is argued that we are committed on one side, and therefore ought not to go; by the other party it is contended that we are committed on the other side, and therefore ought not to go. He was of opinion that we stand uncommitted on all sides, and therefore we

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ought not to go, to commit ourselves. Suppose that Great Britain should, by unjust means, obtain possession of these islands, are we prepared, even in this event, to make resistance? What is the true character of our policy? Suppose Spain should cede the islands, to Great Britain, shall we say to her, "You must not negotiate on this point?" Suppose that Great Britain should refuse to listen to any suggestions or remonstrances of ours, and should say she will hold these islands: what can we do? Shall we go to war? Should we threaten—announce our intention to go to war in that event? A threat we might have to fulfil, an intention we might be under the necessity of renouncing. Are our means, our resources such as would justify us in rushing into a war on such grounds? When we go to war, or when we assume a tone of war, we expect to profit by going to war. By going to war, in this case, we should only make bad worse; because we should not be equal to Great Britain. We are only an equal competitor to Great Britain in a just war. If we should choose to hold a language or conduct of dictation to this power, no sagacity was required to predict the result. We should lose Cuba and Porto Rico—have to sustain the formidable expenses of the contest; and, added to these, the injury which we know, from recent events, so well how to appreciate, resulting from the sacrifice of our commerce and industry, and the agitation and ravage of our coasts. He was disposed to act, not by the rule laid down by the Secretary of State, in his correspondence, but the plain, common sense rule, which ought in all events to regulate our course. He would act, and be left free to act, according to circumstances, and would never go as a volunteer into a war from which no advantage could possibly result. A constant and attentive regard should undoubtedly be paid to the fate of the Spanish islands. Negotiations should be kept perpetually alert, to prevent a disposal of them which might be thought to threaten our interests. There were possible contingencies in which a resort to force, or the menace of force, to effect the object, might be advisable as well as just. But the uncertainty of the occurrence, as well as composition of these contingencies, required that our hands should be kept unbound, to be extended in the direction which our interests might demand. Accession to the joint negotiation proposed must either prove entirely futile, or have the effect to tie them up, and was therefore on every consideration unadvisable. As far as we have gone along, then, he saw no sufficient considerations to lead us to become parties to this Congress. We had no object to ask, and therefore should abstain from it. Our objects had been obtained, or were in a course of certain attainment; or our policy was fixed, not open to negotiation—or they were no objects to us. He would forbear any critical review of all the objects which had been presented. It would be difficult in regard to some of them, without

a departure from deference to the President. The abolition of private war on the ocean, and propagating a better system of religious faith in South America, were examples. He classed these objects together, as belonging, in his conception, to a common character. The abolition of private war on the ocean! The affectation of the phrase was indication enough of the character of the object. Why not call it by its known and proper name of privateering? And why abolish this form of its operation, if war were to continue? What were the superior recommendations of its operation on the persons of the parties to it, rather than their property? Did not a wholesome humanity, as well as reason, demand both modes of operation, as multiplying the facilities to the termination of it, as well as the motives to forbearing from it? And if war were to prevail, why not, in reference to a principle of justice as well as policy, permit the participation of individual enterprise in its incidental advantages?

Mr. SAWYER, rose and said: Menas came and whispered to Pompey, that he now had it in his power to become master of the world, as the two sovereigns were on board his ship, nearly unattended, and immersed in wine: and if he would but say the word, he would cast off, put to sea, and throw them overboard. Pompey told him he ought to have done it without, as now he could not be guilty of so great a breach of trust: So, if the President had secretly ordered Mr. Anderson, who was in that neighborhood, to be present at this Congress of Panama, as an agent, I would have disregarded it; but now I cannot sanction a formal embassy of two Ministers, at an expense of forty thousand dollars, to proceed there openly, in face of all the world, professedly to do nothing, "or merely to set forth our reasons for declining any proposals for specific measures." It must attract the notice of foreign powers; it will excite their jealousy; they will believe that such an imposing mission is intended for some purpose, and that we have abandoned that neutral ground which we have so long occupied. This mission will be worse than useless. It is not a place to enter into commercial treaties; we have enough of them already with those powers—and what advice can we now offer them that will avail? They have all formed their constitutions; their Governments are in the full tide of successful experiment; and any advice that we might now offer them, as the fruits of our experience, would be too late. This Congress of Panama is intended entirely for the deliberation of this great Confederacy, on the subject of their military operations, contingents, questions growing out of their foreign and domestic relations, which are peculiarly interesting to themselves, and which they may be presumed to be better acquainted with than we are. Now, whatever may be resolved on that may have a bearing upon any foreign or neighboring power, we shall come in for a share of responsibility, if we have Ministers there. For, if we do but advise,

that will be sufficient to implicate us in those transactions, and jeopardize us with those powers with whom we may come in collision—with Spain, Brazil, France, or the whole together—which might involve us in war, and ultimately plunge us into the vortex of European politics. The acceptance of this invitation was most unadvised and hasty. Our modern Alexander has jumped over the walls, among the enemy, without his army; and has received some dangerous wounds to his political life, before they could come up to his rescue: and now we are called on to interpose our shields, to risk ourselves to extricate him from his danger, to divide it with him. I, for one, have not sufficient confidence to venture.

We have a Congress of our own: let us attend to that, and we shall have enough to do. We were no party to those wars which paved the way to this Congress, and can have no more right to a voice there than in the Turkish Divan. And shall we establish a political lecture-room, or college, alongside of them? Shall we assume the profession of teachers? If we do, I hope they will pay us. But we should first be satisfied that we are entitled to this preference in the science of Government and the administration of political affairs, before we act the universal pedagogue. To be sure, in the art of President-making we stand unrivalled, and are justly entitled to a patent right, provided we can find any nation disposed to purchase a privilege. For I am sure that no other nation would have found out that, from the "three highest" on the list, was meant the lowest.

A decent excuse, not "a cold repulse," against the acceptance of this invitation, would have satisfied those powers who made it. I believe that it was merely intended as complimentary. From the relations we bore to those powers, and to the rest of the world, they could not have supposed that we would have taken part in it in good earnest. And yet it seems that our Solomons, who have had so much experience in the ways of the world, and in the forms and ceremonies of Courts, have taken in downright seriousness this joke, or expression of empty politeness. But, even admitting they were in earnest, yet the correspondence between these Ministers and Mr. Clay (which I will not detain the House by reciting) shows that they would not have been offended had we declined the offer. So far from it, they express some uneasiness, or fear their overture might give offence to us, and require, beforehand, to know whether such an invitation would be acceptable. If, therefore, we can give no offence by refusing, and may give it by accepting—if we can render those nations no service by our counsels, but may render ourselves much disservice by offering them, I can see but one reason why we should sanction it, and that motive is, to minister to Executive patronage. The great States are to be conciliated: for you find all the appointments of note made from the largest States:

New York, the first Minister to Europe: Pennsylvania, a member of the Cabinet, and a Minister to Panama; Ohio, the fourth officer of the Government, and a mission to Peru; Virginia, two members of the Cabinet. Does not all this go to show a deliberate attempt to seduce the powerful States from their integrity? Yes, and I will engage they see it themselves, and are prepared to treat it as it deserves. After waiting near two months for this information, what have we? A commentary upon the Carthaginian and Prussian treaties; the last of which has been dwelt on with filial partiality and vanity, and which has been of about as much use as the first. I feel competent to decide for myself; and can truly say, there is nothing proposed to be gained at this Congress of Panama, but what either has been, or may be obtained, in the ordinary channels of negotiation; but that we may lose by it our peace, our respectability, and perhaps our independence. We already have Ministers to all those powers; and I am sure the instructions to Mr. Anderson, which are ingrafted into those of other Ministers, were sufficiently full to enable him to enter into treaty stipulations on all the points proposed to be discussed at this Congress. I cannot see, therefore, on what account these Ministers are to be charged, unless it be on the principle of the tailor, who charged for a suit of clothes, then for a coat, waistcoat, and breeches. In a similar way, it is attempted to double our Executive patronage under the diplomatic head, which is about as fair, in a moral point of view, as it is wise in a political.

It is not my purpose at this time to make a long speech. There is a regulation which prevails in the estates or Parliament of Hanover, which I would recommend for our adoption: that is, when a member appears to be wearying the House by a long speech, the President shall put him in mind, "*duus er sich kurz fass*;" that brevity is the soul of wit. So, the least said on this occasion, the better, and the least said, the best.

Mr. WORTHINGTON then rose, and addressed the committee as follows:

Before I consider the immediate objects of the mission, I shall notice some objections which present themselves at the threshold of the inquiry. Of this character, is a pledge alleged to have been given, upon certain points of great public concern; and the hazard to which we expose our neutrality by sending Ministers to the Congress of Panama. This supposed pledge is contained in a declaration of President Monroe, in his message to Congress in 1823, and in the instructions to our resident Minister in Mexico, and in conversations between that Minister and the functionaries of the Government near which he resides. The Message of Mr. Monroe was communicated to Congress at the time when the great powers of continental Europe were carrying into effect measures previously concerted to prevent the

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growth and extension of liberal principles in the west of Europe. It was seriously apprehended by many in this hemisphere, of whom Mr. Monroe was one, that the same powers would forcibly interfere between Spain and her former colonies, and if they succeeded in crushing the spirit of liberty in that quarter, they would next, in the plenitude of their power, attempt to extend the system of legitimacy to us. An undertaking of this kind might not have appeared to them, as some thought, so hazardous and difficult as many objects they had accomplished. As far as they had acted in concert, they had achieved all their enterprises. They had wrested the sceptre of Charlemagne from the giant grasp of Napoleon. They had extinguished the rising flame of liberty in Piedmont and Naples, and placed upon the head of the Austrian monarch the iron crown of Lombardy. They had considerably enlarged their own territory, and erected new kingdoms out of the fragments of provinces and former republics. They had restored all the branches of the house of Bourbon to the thrones of their ancestors, and they were anxious to reinstate the Spanish branch in its ultra-marine possessions. By their joint efforts and their joint counsels, they had effected wonders in Europe in support of what they termed legitimate Governments, and they vainly thought they could extend their principles to the southern part of this continent. They were opposed to what they called anarchic and revolutionary principles, everywhere, and of this character they conceived to be those of the Spanish American States. If they could have succeeded, in the South, in putting down principles cognate with our own, it was strongly apprehended they would next turn their arms against us, and although they could not subdue us, they might give us much trouble, and put us to great expense. Nor was this considered a vain apprehension by many politicians of that day. The power of Napoleon was so firmly established—France, as if sown with the dragon's teeth, and presenting the aspect of an intrenched camp, was so strongly fortified, as to induce the belief that no human power could penetrate her frontier; yet, notwithstanding this military array, notwithstanding the intrepid character of the French population, notwithstanding the superhuman genius of the chief by whom they were led to battle, in the lapse of a few months this iron colossus was dashed to pieces, and France, whose influence had been felt from the Rhine to Lake Ladoga, was compelled to pass under the yoke, and to receive the same person as her master, whom, twenty years before, she had evicted from her soil as unworthy of her allegiance. Having performed these martial feats against a people so renowned, they were vain enough to imagine they could compass any thing. The year before the Message of Mr. Monroe, they had been in friendly and confidential consultation at Verona, and were suspected to have matured measures, hatched in

secret and in the dark, against the liberty and independence of the Spanish American States; and a part of their system had been actually developed by the invasion of Spain under the banner of France. But, in consequence of the Message, and the protest, of a similar character, on the part of England, it is thought, by many, they were deterred from an armed interference in the affairs of Spanish America.

Mr. Chairman, the ostensible object of the Holy Alliance was, to manage the concerns they had in charge in conformity to the Christian religion. But, shortly after the formation of this league, symptoms of political regeneration made their appearance, and assumed an alarming aspect in all the west of Europe; and this sacred league, professing to have Christianity for its buttress and its guide, was suddenly diverted from its ostensible purpose, and directed against the progress of liberal principles; or, as they termed them, revolution and illegitimacy. At Troppau and Laybach, they openly avowed their determination to put down revolution wherever it should appear—even among nations of acknowledged independence. This system, it is true, was confined to Europe, but it was not known how soon it might be extended to the American continent; and hence the declaration of the late President, that we could not view with indifference the attempt, by any European power, to oppress our sister Republics, or interfere in their domestic affairs. This declaration ought not to have been viewed as a pledge. It is well known that the President has no authority to pledge this nation to any course of foreign policy, except through the treaty-making power. The declaration, then, however it might have been viewed by foreign powers, was, in reference to our constitution and laws, a *brutum fulmen*, and of no more binding effect upon us, than the edicts of Fez or Constantinople. In making this observation, it is not my intention to censure the late President for using this language, if it was intended by him that Congress should express an opinion upon the subject; or that foreign nations should be apprised of his individual opinion as to the course we ought to pursue in the contingency contemplated. But this declaration of his sentiments created no obligation on this nation. Had the contingency occurred, we would have been bound, neither in morality nor honor, to carry the declaration into effect, or to redeem any pledge, had he made one not sanctioned by the constitution. If any President were to make a pledge in a form unknown or unwarranted by the constitution, he would be obnoxious to just censure and the severest reprobation. But, in the present instance, Mr. Chairman, I conceive no pledge to have been given, unless the instructions to Mr. Poinsett will justify such an inference. In the letter of the Secretary of State, of the 28th of March, 1825, reference is made to the Message in question, and that Minister is instructed to call the attention of the



Mexican Government to its contents. The manner of using the Message is left to Mr. Poinsett himself, who was a member of Congress when it was communicated to that body, and who was well acquainted with the circumstances and secret springs which had induced it. Mr. Poinsett knew the President could give no pledge, without the intervention of a treaty, sanctioned by the Senate; and he, therefore, could not have viewed the declaration in any other light than the opinion of a distinguished and influential individual, at the head of our Government, that such ought and would be our policy, should the contemplated contingency occur. Whether there was any just or rational apprehension of an armed interference of the Holy Alliance, in the contest between Spain and her former colonies; or that any trans-Atlantic nation meditated the establishment of new colonies on the American continent, it is not for me to determine. But the declaration of the President proceeded upon this apprehension; although, in truth and reality, it might have been groundless. It certainly would have been a mad project to transport forces across the great ocean for the subjugation of the new Republics, when it was certainly known that England would oppose the enterprise, with all her naval, fiscal, and military means. The other part of the declaration, that we would suffer no European power to colonize any part of North and South America—was, to say the least of it, rash and inconsiderate, and utterly incompatible with the pacific and unambitious spirit of our Republican institutions. There was no necessity to make it, as it regarded our own territory, and I cannot perceive the policy of making war in defence of foreign soil. I trust this nation will never wage war to maintain the territorial integrity of other nations, unless it should be absolutely necessary for our own safety. We can never hesitate to defend our own soil, but it would be highly impolitic and ruinous to embark our means and our lives in the defence of other nations. •

But, Mr. Chairman, whether the events contemplated by the late President—European interference or colonization—will ever occur or not; or whether the present President intended, in his instructions to Mr. Poinsett, to make a pledge or not, it is very certain the Mexican Government cannot view it in that light, after the explanation of that Minister to the Mexican Secretary of State, as detailed by him, in his letter of the 21st August, 1825. According to this statement, he explicitly informed the Secretary, “that the declaration of the President, and the known friendly disposition of the Government and people of the United States towards the new Republics, did not confer upon them the privilege of demanding our interference as a right.” Whatever impressions may have been entertained by the Mexican Government prior to this explanation, none could remain, as to the existence of a pledge,

after it. The declaration, thus explained, amounted to this—that the Government and people of this country cherished the most amicable feelings towards the new States of the South, and that they ought to consider these feelings as a sure guarantee that this country would not be a cold and inactive spectatrix of any attempt to dismember their territory, or to reduce them to their former state of colonial vassalage. To any alliance, offensive or defensive, or any pledge involving our peace, I am decidedly opposed. If any European nation should attempt to put down the new Republics, it will be time enough, then, to act as our interest or policy may dictate; but let us not tie ourselves down by any stipulation, by which our peace may be in the power of any foreign nation. The Spanish American States may be involved in ruinous wars, not only with European nations, but with one another; and, if we once become entangled in their political systems, we shall find ourselves in the position of England towards the continent of Europe during the last and present centuries—constantly wasting our blood and treasure in maintaining the balance of power among these States. That they will be engaged in wars among themselves, there is no doubt. One already exists between Brazil and La Plata; and territorial disputes have already arisen between Mexico and Guatemala.

Mr. JAMES JOHNSON next rose, and thus addressed the committee:

It is not my purpose to treat with disrespect the opinion of any of the members of this House. They possess the right to enjoy their opinions: I possess the same right; and the right also to express it, as I trust I shall ever do, on all proper occasions, firmly and independently. Since I have had the honor of a seat here, I have often felt pleasant emotions. I see around me the Representatives of the great American family. I see those whom the members of that family have selected for their virtue and intelligence to deliberate on all subjects in which their interests are involved. I am bound to believe that we are aiming at the same great result, the honor and happiness of our country, although we widely differ on many subjects as to the proper means of obtaining it. Were we to pursue the policy recommended and advocated by some gentlemen, it would end, in my opinion, in the prostration of that liberty which they wish to preserve. Neither will I indulge any feeling of disrespect to the Chief Magistrate of this nation. I have too much respect for his person, for the high station which he fills, for the people, for myself, to indulge in any thing of the kind: although he was not my choice, yet, sir, he is the President of this people: yes, for those who voted against him, as well as those who voted for him. And I am free to declare, that I will support any measure which he recommends, which, in my opinion, comports with the interests of this nation. Yes, I will; and were it

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a Jefferson—who, I am free to acknowledge, is my greatest political favorite among all men who now live on earth—were he to propose a measure which would have an opposite effect, I would oppose it. Measures, not men, should pilot this enlightened assembly to proper and happy conclusions. The President has laid before this House the whole subject of the Panama mission. He has asked our opinion. I am now about to give it by voting for the amendment proposed by the gentleman from Delaware. And whether he had asked it or not, I would still give it, if, in my opinion, it was necessary. Yet, the gentleman from Virginia supposes we have no right to give our opinion—that, in so doing, we infringe on the rights and powers of the Executive. Yea, he goes further—that he would refuse to give any opinion to the Executive, even though he were requested so to do. For what do we come to this place? To unite with each branch of the Government, conjointly, for the purpose of deliberation; for the purpose of giving our opinions, and hearing others give their opinions, and arriving at a result which will promote the general weal; to mingle sentiments and opinions with each other. But no, says the gentleman from Virginia, I will not give any opinion, though solicited by a co-ordinate branch of this Government: and although the peace, the happiness, and the prosperity of this Government, are involved in the question, he would be silent—he would not obey this reasonable request. It really seems to me, that, when we meet at the seat of Government, we are taught from this doctrine that the different departments of Government, instead of forming one great whole, a unit, are placed upon the footing of strangers, of foreign nations, and must observe all the forms and etiquette which foreign courts do to one another. A co-ordinate branch of this Government requests the opinion of another on a great political question, to strengthen his hands. No, says the gentleman, I would refuse. "United we stand, divided we fall." But no: let the President act single-handed, and the Government moves on with more power than to act with the co-operation of this House. What is more common than a general council among all bodies of people? And the more critical and gloomy the occasion, the greater necessity for a general council. This is often practised by the best of generals in an army. It was intended to be practised by this Government when three separate bodies of magistracy were established. In the multitude of council there is safety: yes, safety—it is a true maxim. It may do much good: it cannot do harm, when there is a general council with the co-ordinate branches of the Government. If they agree, it is a happy circumstance; if they disagree, each party is left where it was, acting in the sphere of its own orbit. Each being responsible to that august tribunal for its opinions and its doings—the people—and from which responsibility

ity this House ought never to shrink. From which I never will shrink while I have a vote in this Hall.

Much has been said in relation to that part of Mr. Monroe's Message of 1823, which stated that this Government could not look with indifference at the interference of any other power between Spain and her South American colonies. Nor for any power, except Spain, to occupy Cuba. This declaration was made, at the time, to meet a particular crisis, a particular occasion, existing at the time it was made; and also to meet all other occasions of a similar character, which may happen. It was understood, when made by this House, by the Republics of the South, by Europe, by the world. There was some hazard in using this language, when it was used. There was a hazard that it might be offensive to Europe; that it might cause us some difficulty; that they might view it as a menace that did not comport with their dignity to endure. It was, however, just, and received the sanction and approbation of the world. Heaven seemed to smile upon this eventful epoch. This nation took a high and elevated stand. It was sanctioned by the British Government in a most distinguished manner, highly honorable to this nation, and magnanimous in that in doing us justice, and which has been portrayed in such glowing terms by the gentleman from Massachusetts. The words of the President were correct as to time—correct as to form and substance: they were sanctioned by this nation, they were predicated upon correct principles. The words have issued from this nation, they will not be recalled. No, sir; I will not agree to recall them: neither will I agree to gasconade over them; neither will I give my consent for any of our Ministers to give their constructions of that declaration. They speak for themselves, and when it is necessary to give them their effect, it must be done by this Government. They are made, and there let them rest until a similar occasion occurs to those which gave rise to them, and then, and not until then, let the subject come before this Government, and nowhere else, to give the proper construction, and to adopt such measures as it may consider just and right. Sir, you may destroy any thing by nursing it. There was certainly a great fitness between the declaration of the President and the occasion which urged it. It was an elevated stand which the Government assumed. But to remain so, we ought to have the modesty not annually to declaim and boast on the subject. It is easy to destroy the constitution of the finest child by too much nursing; and it is more easy to destroy the happy effects of the stand taken by the Government in 1823, by recurring often to it unnecessarily. The possession of Cuba is of vital importance to this nation. It is the key to the mouth of the Mississippi. It lies directly in the route, from the mouth of that river, to the Atlantic cities. It is, however, not our prop-

erty; it belongs to Old Spain. Neither can we obtain it upon any just and correct principle, without the consent of Old Spain. Unless we were at war, there is but one way to obtain it—which is by purchase. Spain, however, and the southern Republics are at war; and in order to cripple Spain in any way, which they have the power to do, these Republics have the right to conquer it and take possession of it, if it is in their power. If they possess the physical force, it is all that is required; and, according to the rules of war, it is right and just to make the attempt. It is stated that these Republics contemplate an attack on Cuba. Should they observe the rules belonging to honorable warfare, as settled in the civilized world, we cannot do otherwise than remain a spectator of the conflict, observing a strict neutrality. But, should a different course be pursued, which is entirely practicable, (I mean a servile war between slave and master,) then it would comport with the laws of heaven and earth to put a stop to it, if in our power. It would be only justice to ourselves. Human nature would hold in everlasting remembrance such interference, and would owe to us a debt of unbounded gratitude during time. This shows that the period is pregnant with great events. It is truly a crisis—we should not incur the charge of sleeping on our post. It is proper that we should have agents at the Congress of Panama. It attracts the attention of other nations. We should possess sentinels, then, near the post of danger. This would enable this Government to act early and promptly, if necessary. It will be ready to meet any difficulties, if any should arise, in our relations with them. From the best view of the subject which I am master of, it appears to me vitally important to send Ministers or agents to Panama: yet, to mark well every step they take, so as to secure this Government, in every point of view, blameless before the world.

THURSDAY, April 20.

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The House having again resolved itself into a Committee of the Whole, on the state of the Union, Mr. TOMLINSON in the chair, on the Report of the Committee of Foreign Relations, on the subject of the mission to Panama—the amendment of Mr. McLANE, as modified, being also under consideration—

Mr. BARTLETT said, he asked the indulgence of a word. His purpose was to separate his vote from the questions which had been argued, and to put it upon the questions to be decided.

Will this House, said Mr. B., assume to give instructions to our foreign Ministers? Will this House attempt to annex conditions to its appropriations for the support of Ministers? Is the proposed amendment for such purpose? May this House express its opinion in relation to our foreign policy? Is the policy indicated

by the proposed amendment the true policy of this country? These questions, at this period, I do not propose to discuss. I will trespass only so far as to state the positions I hold in relation to them. \*

Is there an individual in this House who will pretend to the right of instructing Ministers, or of annexing conditions to appropriations for their support? I will do no such thing. I needed not the able arguments to which I have listened, to convince me of the impropriety of such pretence. But why have such arguments been urged against the proposed amendment? Can it bear such construction? If so, I would resist it. In my judgment, it cannot be forced to such purpose. Upon what are we acting? Upon an appropriation bill? No. Upon any legislative measure binding upon the Executive? No; but upon an abstract proposition, recommended by the Committee of Foreign Affairs, relative to the expediency of a certain contemplated mission; and in whatever words the resolution may be framed, its purport is no more or less than that; and when it shall have been adopted, nothing more comes of it: no money can be touched—no measure is hastened or retarded by the result. True, there is a bill reported by another committee, making appropriations for the mission to Panama; which bill is also referred to the Committee of the Whole on the state of the Union; but that circumstance no more connects it with this resolution, in any legal affinity, than any or every other bill which is or may be referred to this committee. It is as independent of this resolution, as the bill providing for the Revolutionary Officers. Considering, then, this resolution and amendment not as an instruction or condition, but as an abstract expression of the opinion of the House, is it competent and proper for us to express opinions in relation to our foreign policy? We have been told, it is no part of our duty or our right; that it is even unconstitutional. I hold, sir, that it is at all times our right—often our duty. Yet the gentleman from Maine (Mr. SPRAGUE) has warned us, if we adopt this amendment of the gentleman from Delaware, it will lead to consequences which shall produce greater changes in your constitution, than the adoption of all the twenty amendments which have been offered at this session. Sir, if the principle contended for, by the friends of this proposition, be thus fatal, that gentleman's fears come too late—"the deed is done"—the constitution has long since been destroyed. From '89 to the present day, the right now contended for has been uniformly claimed and exercised. In the first institution of the Government it was exercised, in a much more imposing form, too, than is now proposed. Then, it was not in the comparatively inefficient shape of a resolution, merely entered upon your journals, but as a solemn answer to the President's Address, passed by the House, and formally presented by the whole House, with the Speaker at their

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head, in solemn procession. Let gentlemen who suppose this a new claim of power, turn to the records of former days, where they will find, in the answers referred to, and in resolutions, Congress have often spoken, and in language, too, of no equivocal import. But, say gentlemen, such expression of opinion imposes no obligation upon the Executive, and is, therefore, nugatory. I grant it has not the force of an enactment; and if it had, I would oppose it: and yet, even if entirely disregarded by the Executive, other results come of it, important to our welfare and our character. Some gentlemen, however, have admitted the propriety of a general expression of opinion, as to all our foreign policy, but deny the right in any particular case. I do not understand, either in logic or mathematics, how a part is greater than the whole—how we have a right to speak of all the nations of the earth, but not of any one of them. But, if gentlemen, who attempt this distinction, will open any volume of our Journals, from the organization of the Government, they will find enough of opinions partaking quite as much of individuality as the present. They will find the House saying what particular acts ought to be done by France, before a Minister should be sent at all. And the gentleman from Virginia, (Mr. ARCHER,) who now encounters such constitutional difficulties, will find his own name recorded in the affirmative, with the name of every other member of the House, save one, upon a resolution expressing the opinion of the House upon a question of its relations with certain Governments of South America—a question, too, entirely within the Executive power and Executive discretion. And yet is such opinion nugatory, because it has no force of a legal enactment? No. Whatever forms our Government may possess, it is a Government of opinion. It rests on the opinion of the people, and if not sustained by it, it exists not a day. It may be, then, the duty of this House, as the Representatives of the people, to sustain the Executive by the opinion of the people; and if they misrepresent that opinion, the people themselves will reverse it.

War is a great evil, and should, if possible, be avoided; but even such an evil should not be avoided at the expense of a nation's liberty. It is an evil which this country has shown it is not prepared to avoid, at so great an expense. In the exercise of the discretion referred to, the circumstances under which the menacing nation is placed, should always be taken into view. If those circumstances clearly indicate an unfriendly design towards the third or neutral nation, delay on the part of the sovereign authority of such third or neutral nation in making resistance, is not only unwise, but criminal. With these principles before us, clearly prescribed in every code of international law, and as clearly sanctioned by every nation that has gone before us, what should be our course, were France, or any other great

power of Europe, to attempt to subjugate, and plant its power either in Mexico, or on the island of Cuba, or Porto Rico? The circumstances under which they are placed, in relation to this country, I say, would render it criminal in the constituted authorities in this country, to stand by with folded arms, and acquiesce in such a movement. What are those circumstances? As far back as 1823, when this Government was negotiating with Russia in relation to the Northwest Coast, the principle had been assumed by this Government, as one in which we have a deep interest—that the American continents, by their free and independent condition, were no longer to be considered as subjects for future colonization by the powers of Europe. A principle not so broad, however, as had been supposed by the gentleman from Virginia, (Mr. RIVES;) but it was laid down as a principle applicable to those portions of the two continents which had disenthralled themselves from colonial shackles, and was not intended to apply to those portions to which those powers had an undisputed claim. This principle had been assumed on the ground that we had a right to oppose the establishment, on our own borders, and in our neighborhood, of a power dangerous to our own liberties; and on the ground that, by the independent condition of the southern Republics, the United States enjoyed the right of commercial intercourse with them, and that the attempt to establish a system of colonization over them, would be to usurp, to the exclusion of the United States, a commercial intercourse which was the common property of all. The Government of Russia acquiesced in these principles, and has not said aught against them. The same principles, it has been already shown by the gentleman from Massachusetts, (Mr. WEBSTER,) were, in the most flattering manner to this country, sanctioned by the British Parliament; and even extended as they have been by the present Administration, so as to embrace Cuba and Porto Rico, they have been sanctioned and entirely acquiesced in by the then greatest powers of Europe—Russia, England, and France. The views of the Russian Government have been communicated to us in the letter of Count Nesselrode to Mr. Middleton; and those of the French Cabinet have been shown by the letter from Mr. Brown, our Minister to Paris, to Mr. Clay. It is also known that the British Government acquiesces in the same doctrine.

These, then, are the circumstances under which either of those powers would be placed, were they to attempt to subjugate any of the Governments of the South, or to seize upon Cuba or Porto Rico. And, should any such attempt be made under these circumstances, would we even be allowed to doubt that it was with views unfriendly to us? Could it be regarded in any other light than an attempt at dangerous aggrandizement, such as to enable them to give law to us? Could it be regarded

in any other light than as manifesting a most deadly hatred of free institutions, and a fixed determination to arrest their further progress, if not finally to destroy them? And would not such attempt justify us, not only in speaking in decided language, but in taking decided measures to prevent it? He thought the people of the West, and the people of the nation, would say—yes. But it has been said there is no danger that any such attempt will be made. If that be true, he would ask, where was the necessity of saying any thing about it in the resolution before us? Sir, said he, the resolution itself implies that there is danger, and it is because of this danger that gentlemen are afraid our neutrality may be violated by entering into unwise alliances, and unwise joint declarations to avert it. He was opposed, he said, to the whole amendment, a part of which it was the object of the motion now pending to strike out. He was opposed to it, because he conceived it to be a most dangerous interference on the part of the House with the treaty-making power—an interference which he conceived more important in its tendency than the mission to Panama could be. But he was particularly opposed to that part of it which was proposed to be stricken out. He was opposed to it, not alone on the score of the manner in which it was presented, but upon principle. This Government had taken its stand several years ago, in relation to the policy it intended to pursue towards the South American Republics. That policy had met the approbation, not only of the people of the United States, but of three of the great powers of Europe; and that policy he was not willing to abandon. And if we send Ministers to Panama, he was not for sending them so much hampered as to be unable to discuss and fully consult on any proposition that may be submitted to carry that policy into full effect. Whilst he said this, however, he was free to declare, that he was not in favor of forming alliances with any power whatever. Such, he said, was not the object of the President. Any one who would read his Message with common attention, and common candor, he thought, would admit that such was not his object. In speaking of the subject of European colonization, and the means of resisting interference from abroad, with the domestic concerns of the American Governments, which is “offered as a matter for consultation at the Congress merely,” he says: “Should it be deemed advisable to contract any conventional engagement on this topic, our views would extend no further than to a mutual pledge of the parties to the compact to maintain the principle in application to its own territory, and to permit no colonial lodgements or establishment of European jurisdiction upon its own soil.” From this view of the President, it must be obvious, that no design is entertained to enter into any compact by which this Government will be pledged or bound, or could in any degree be required to interfere in

resisting such encroachment upon the territory of any Government except our own—a pledge that I grant is not required for the defence of our own country. But if there should be any attempt to subjugate, by force or seduction, any of the new-born Republics of the South, a solemn declaration of each, that it would adhere to its integrity, and resist every such attempt, might not be entirely useless.

With reference to the declaration, that it is proposed to consider—for the President does not present it otherwise than as a subject for deliberation—he says: “With respect to the obtrusive interference from abroad, if its future character may be inferred from that which has been, and perhaps still is, exercised in more than one of the new States, a joint declaration of its character, and exposure of it to the world, may be, probably, all that the occasion would require.” The object of such a declaration, evidently, is not to form any compact or alliance with those powers by which our neutral relations can be changed, but is merely the exposure of the character of any interference that may be attempted in the domestic affairs of those Governments by the European powers. Such, for example, was the proposition made by one of the monarchies of Europe to one of the Republics of the South, to guarantee its independence if it would assume a kingly Government—a proposition that, however seductive in its character, was promptly rejected. Such a declaration, exposing the character of such interference, although it might do no great good, certainly could do no harm. But, whether the United States should, or not, be parties to such a declaration, may, in the language of the President, “justly form a part of the deliberation.”

And whether they shall, or not, I, for one, am disposed to submit to our Ministers, under their instructions from the Executive, whose situation will enable him to survey the whole ground, and to decide, under the state of things existing at the time, more correctly than we now can. And his decision, when made, will draw after it the same responsibility that attaches to his other official acts. In a word, said Mr. C., I am disposed to leave this whole matter under the constitutional control of the Executive, and leave him subject to that responsibility which the constitution imposes upon him. To place it on any other ground, is to subvert the constitution, and to throw on this House a responsibility which it ought not to bear. What course this Government should take in relation to matters that may arise in future, and which this House cannot foresee, is a question that, for one, I am not prepared to decide. Movements may be making by the allied powers of Europe, of which we and the Executive may both be ignorant. But the probability is, that the Executive, in due season, will be informed of all that is passing, and, when informed, the constitution supposes that he, as the Representative of the people of the

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United States, for this purpose, will adopt such course as is best calculated to promote their interests. To suppose otherwise, is at once to pronounce the failure of the constitution, in this particular, to answer the purposes for which it was intended.

It is our interest that the island of Cuba should be owned by a weak nation, or remain a colony. Its weakness would suit our convenience; but, he asked, does it follow that we are justifiable in resisting, by arms, a change of its condition? Certainly not, unless in conformity with the principle of self-defence, the first law of nature. When the dangers exist, which the gentleman now seems to imagine are even at our doors, his rule of action and my own will not be found materially different. When the interests of this country are, by the Holy Alliance, or any other power, so essentially disturbed as to require a resort to arms, with him he agreed the citizens of the West will not be found deficient in patriotism. That courage which nerved the arm, and prompted to deeds of "noble achievement" in the late war, will demand action.

When what is called the Holy Alliance was instituted by some of the most powerful nations of Europe, to sustain the "divine right" of kings, by repressing every effort which might be made in developing and fostering the rights of man, it cannot be forgotten what was the indignation of every patriot. So odious was it in this country, that it was everywhere execrated and denounced. Now, it may be asked, what is the object of the Congress to be held at Panama? Is not the inference strong that it is to operate as a countervailing body? Mr. Canas speaks of the European "Continental System," and that America should form a system for itself, and assemble, by its Representatives in Cortes, whenever circumstances might require; and Mr. Salazar indicates a secret "eventual alliance." It is far from me to say the Southern Republics ought not to form among themselves an alliance or combination for their own defence against Spain or any other assailing power. Their condition is very similar. They were all colonies, speaking the same language, and subject to the same power. Their struggles for emancipation have been produced by the same causes. Their enemy has been the same, and their toils and sufferings have been crowned by the same happy results—as Spain still refuses to recognize their independence, and flatters herself that their future reduction is certain, the acquisition of strength by a confederacy, is their undoubted right. In making this acknowledgment, he now and ever would protest against our becoming a party. We could gain nothing, and might put much at hazard. In strengthening them, we should weaken ourselves. Should the Holy Alliance make any movement in reference to this continent, affording satisfactory proof that the very annihilation of Republicanism, or Representative Government, was their object, then it

would be our duty to adopt any measure in conjunction with our neighboring Republics, which prudence might dictate, in defence of the rights of man. Until the emergency happens, which may be viewed as very improbable, we should stand aloof.

If, Mr. Chairman, it were not the case that we can accomplish, through Ministers, in the ordinary way, every object which is common and fit to be accomplished, a Mission to Panama would be to me more tolerable. We have, at this time, diplomatic connections with the most of the new Republics. Three treaties have been negotiated upon unexceptionable principles. Our policy in relation to them has been dictated by prudence, and, so far, has resulted in mutual good will and advantage.

It seems to me the circumstances attending our invitation to send Ministers to Panama discloses, on our part, a want of delicacy. For so distinguished a favor, we have been too eager, and do not, as is my most deliberate opinion, know what they are to do. In one part of the President's Message we are informed our agents will merely consult—in another, consult and negotiate—and so says the report of the Committee of Foreign Affairs. To merely take counsel together, to deliberate, to interchange ideas on the topics introduced for discussion, would at least seem innocent. But who, in his sober senses, can believe this Congress is to be merely consultative, so far as we are concerned? To negotiate, will doubtless form a part of their duties. It is the character of the negotiation that he feared. But, say gentlemen, a treaty formed at Panama would not be binding without the approval of the President and Senate. This is granted. Would not, however, its rejection, particularly if made in pursuance of instructions, excite jealousy in the other contracting party? This would, he had no doubt, be most unfortunately the case, and the charge of infidelity to, and disregard of, our promises, be fixed upon us.

We have, said Mr. C., been informed by the President, our neutral character shall be maintained; and, that a compromitment of it is neither expected nor desired by the gentlemen giving us the invitation. To me, there is a paradox in this affair. These Ministers, in plain terms, point out what is to be done—the questions to be settled—some of which we cannot discuss without a forfeiture of our neutral rights; and yet, in the next sentence, they say our relations will not be changed. This is most strikingly the case in the letter of Mr. Obregon. I ask gentlemen who are versed in the mysteries of this novel project, to aid my understanding.

Much, sir, has been said of Mr. Monroe's memorable pledge, and our determination not to witness, with indifference, any interference of any European power, except Spain, with the independence of Spanish America. As for the pledge, the gentleman from Maryland, who spoke yesterday, (Mr. WORTHINGTON,) has very

properly denominated it a mere *brutum fulmen*—an empty declaration; but which some think full of meaning and effect. It ought to be a matter of much regret that any of our Ministers should feel authorized to urge it as an argument, in negotiating a treaty. This, we are informed, has been done. Gentlemen frequently refer to the term “indifference.” What do they mean by it? It is very indeterminate. If, by this expression, we are to understand concern, dissatisfaction, discontent, he had but little to say. But if, on the other hand, they mean a fighting “indifference”—a determination to court the bloody contest, he would not concur with them. If France should obtain a cession of Cuba, as we did of Louisiana, we would not be entirely indifferent. But could we legitimately wage war? Could we be justified before the world, in seizing upon that island and ourselves, and preventing the possession of France? This would seem to him a rash act, and wholly indefensible. The consequence would be hostility with two nations. Should such an unhappy state of affairs take place, he would ask the gentleman from Illinois (Mr. Cook) whether our countrymen of the West, brave and adventurous as they are, and much as they might desire to see our Southern commerce prosper, could be easily persuaded to buckle on their knapsacks, and shoulder their rifles, to fight battles in Cuba, under a vertical sun?

Mr. CAMBRELENG said: Connected with the last, sir, there is another, and not less interesting question, to which our attention has been called—the destiny of Cuba. It appeared to me somewhat singular, that two gentlemen from Louisiana, particularly one, (Mr. LIVINGSTON,) should have vindicated the policy of the Executive in its negotiations respecting the fate of that island. No one, it seems to me, can examine the diplomatic correspondence of 1825, without being made sensible that our rights have been voluntarily surrendered. What are our rights, sir? Next to Spain, our right over Cuba is paramount to the claims of every other nation. With Porto Rico we have nothing to do—it is far distant from us; but Cuba is on our border—we are vitally interested in its condition and Government; the commercial interest of the East—the agricultural interest of the West—the dearest and most valuable interests of the South—nay, all the interests of every section of the Union are involved in the destiny of Cuba. The right of Spain once extinguished, from the nature of our position, and our peculiar and various associations with that island, our right becomes supreme; it resists the European right of purchase; it is even paramount to the Mexican and Colombian right of war. It is a right which should never have been surrendered to any power, whether belligerent or neutral. Yet what have been the declarations and the policy of the Executive? While the right of any European power to acquire Cuba by purchase has been denied—the belligerent right of Mexico

and Colombia to invade the island, has been expressly acknowledged; it has been conceded; we have in our correspondence positively declared, that we cannot resist the right of war exercised by Mexico and Colombia—that we have no right to interfere, unless, indeed, they should “put arms into the hands of one race of the inhabitants to destroy the lives of another.” And in such a crisis what would be the condition of the island? When is it, according to the policy sanctioned in our negotiations with foreign powers, and submitted to the inspection of the Colombian and Mexican Ministers, that we claim the right of interposing and resisting the invasion? When one race is armed “to destroy the lives of another”—when the standard of universal emancipation floats on the Moros—when insurgent fires are blazing on the mountains of Cuba, and gleaming along the shores of Florida, Alabama, and Louisiana! Then, and not till then, according to the concessions recorded in the short but comprehensive diplomatic history of the past year, do we claim the right of interposing to save Cuba and our own country from the consequences of the invasion! What our policy should be as it regards this island, presents a question of infinite difficulty. But whatever may be its fate, it is not only our interest to protest against the European purchase, but our right forcibly to resist its invasion by Mexico and Colombia. The arms of Spanish America can never be carried into Cuba, unless under her constitutional banner—the standard of universal emancipation. This island must remain under the dominion of Spain; if, however, its political position must be changed—if Spain must part with it—let it be independent—we want no colonies—let its independence be guaranteed by commercial nations. But, be its destiny what it may, we must resist its invasion by our neighbors—they cannot carry the war into Cuba without endangering the interests of our country. This is a question of too much importance to be surrendered by this House—let us pause before we consent to submit its decision to the Congress of Panama.

We have heard much, sir, of the “memorable pledge”—of the declaration of Mr. Monroe, in 1823—a declaration made in accordance with our true policy—a policy which would have been unquestionably ratified by the House, and responded by the nation. I concur most sincerely with the gentleman from Massachusetts, (Mr. WEBSTER,)—it was the declaration of the Executive of our country to the world, made at an interesting crisis—I would not recall it—it shall never be “blurred or blotted,” by any act of mine. But I cannot go as far as he does. I cannot agree with him, that this question “must be discussed,” and at the Congress of Panama. The declaration revives and dies with the occasion—whenever that occasion shall arrive—whenever any European power shall interfere with the wars or independence of the nations of this continent—when the

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time arrives and we are called upon to decide the question of peace or war, "it must be discussed"—but not in the Congress of Panama. This is the only Congress in which that great question can or should ever be discussed and settled. The office of deliberating on the policy and justice of contingently engaging in war, should never be surrendered by this House—a right of this grave character should never be transferred to the Congress of Panama. I would not instruct our Ministers even to consult or deliberate on the propriety of entering into joint declarations upon questions of such magnitude. And although we are expressly called upon by the President to send Ministers to Panama, to consult and deliberate on the expediency of a joint declaration on this point, and of entering into a compact or mutual pledge on another, yet the gentleman from Massachusetts "sees nothing now which carries us beyond what was contained in Mr. Monroe's Message." I will not dispute with gentlemen about words; nor shall I adopt their construction of the President's Message. It is perfectly immaterial to me by what name these new and foreign associations or stipulations are to be called. I care not whether they are denominated "alliances, compacts, mutual pledges, or joint declarations." We are told expressly that our Ministers are to deliberate at Panama on the propriety of a mutual pledge or compact to oppose territorial colonization, and that it deserves the experiment of consideration, whether a joint declaration of our intention to resist the interference of any European power, with the domestic concerns of the American Governments, should not be made. Mere consultations and deliberations may appear to us to be small matters. Some may think that nothing injurious can possibly grow out of diplomatic consultations; and others may shelter themselves behind the contemptible argument, that, until the treaty stipulations are ratified, we are not bound by the acts of our Ministers at Panama. But, sir, we should recollect that this is not the policy of a wise and just people; that every thing depends upon the manner in which we make our first movements and advances towards the independent nations of America—the future destinies of our country are deeply involved in these, apparently, small matters; we should reflect that we are now laying the foundations of our American policy.

Mr. FLOYD said: We are told, by the gentleman from Maryland, that a pledge was given by Mr. Monroe, then President, to these Southern Republics, that we would defend and protect them from the assaults of European armies, or words to this effect; and that, since that period, this pledge has been renewed by letters from this Government to others, and particularly by our Minister to Mexico. Sir, when that Message was delivered to this House, I then rose in my place; and protested against that declaration of the President, as assuming an unwarrantable power, violating the spirit of the constitution; assuming

grounds and an attitude in regard to European powers, calculated to involve us in a strife which there existed, and in which we had no interest; and indirectly leading to war, which Congress alone had the right to declare. We are now called upon to redeem the pledge given by Mr. Monroe, the parallel of Ferdinand; not only so, but the further pledge given by Mr. Adams, and that, too, by the correspondence of our Envoy with the Republic of Mexico. Here, then, the President has assumed to give support to these nations, even at the hazard of war, without consulting Congress or the Representatives of the people. The President has told us that we should not be "palsied by the will of our constituents." This bold claim to unlimited power, if acted upon, extinguishes, at one blow, the liberty of the nation. A claim so broad dare not be hinted at by the King of Great Britain; Alexander, Emperor of all the Russias, alone possesses such power.

The daring of this pledge, so contrary to the cautious indecision and irresolution of the former President, caused me to inquire how the circumstance happened; when a member of Congress, high in the confidence of the President, informed me that the British Government sought a conversation with Mr. Rush, our then Envoy and Minister Plenipotentiary at the Court of St. James, and proposed to him that they should unite upon the subject of South American affairs, and so shape their correspondence as to show to Europe the probable course these Governments would take in the cause of Spanish America. Mr. Rush, who is doubtless as able a negotiator as Secretary of the Treasury, (for the mistake he has made in his report does not exceed five or six millions of dollars this year; but, as it is his first attempt, there is reason to hope he may mend,) refused to accede to the propositions, unless the British would agree to enter into a treaty recognizing the independence of South America; this did not suit the views of England at that time. This was forwarded to the President, and was then lying on his table, when he issued that bulletin, pledging this nation to a course which is daily becoming dangerous to the peace of the country from without, and dangerous to the constitution from within.

This pledge, however it may eventuate through the medium of this mission to Panama, was, doubtless, at the time, considered safe, intended to astonish Emperors and Kings with the array of power, whilst the vast navy of Great Britain floated between us and danger. We are told, too, by the President, that the wholesome advice of Washington, to refrain from "entangling alliances," was intended to apply to the affairs of Europe; and he gives us to understand that a different state of things now exists, and that were he (Washington) now alive, he would entertain a different opinion. I have, sir, too high an opinion of the prudence, and patriotism, and wisdom of Washington, to believe he would hazard the peace of this nation for the fine



"spectacle" he might probably make in a "page of history."

By the adoption of this measure, so soon as these Ministers to Panama take their seats in that Congress, and join in the discussions of that body, that moment you commit an act of war against Old Spain. Is this just? Is it constitutional thus to take out of the hands of Congress, to whom alone belongs the power to say when this nation, of ten millions of people, shall be involved in war? If Spain is too weak to send an army to invade us, she can still declare war, as she will be compelled to do; our own act being, in fact, war against her. By this means, all the idle seamen of England, France, and the Low Countries, besides her own, will be placed on board of privateers, fitted out under the flag of Spain, to destroy our commerce in every sea. What good, then, can possibly result to this nation from this state of things? We are now about to adopt the discarded policy of Pitt, and Castlereagh, which for so many years desolated the British realms, which, if continued but for a few years longer, must inevitably have destroyed the energies of that nation, if not destroyed the Monarchy itself. Now, however, by the opposite course, she enjoys peace, and is daily reaping the fruits of good Government; extending her commerce, disbanding her armies, laying up her navy, increasing her manufactures, paying the national debt, and repealing many of her taxes; whilst we, to make a "figure in history," or exhibit a "spectacle" for Europe to look at, are involving ourselves in debt and interminable war—the ultimate end of which no human foresight can see or conjecture.

In what a strange attitude this Panama Mission places us. Whilst we are at peace with Spain, we are in conclave with her enemies, devising the best means for "carrying on the war" against her; not only to carry it on against her in America, but the expediency of carrying this war into her territory on the other side of the Atlantic Ocean, into the Canary Islands. Whilst we say to Europe we will not take part in this contest between Spain and her colonies, neither shall you, to subjugate these countries: we are mingling in the councils of Panama, planning war against Cuba and Porto Rico, the remaining colonies of Spain. A course of this kind is well calculated to bring upon this country the reproach of all nations having any regard for public faith. Instead of pursuing an open, ingenuous, manly course, thinking slowly, and acting prudently, firmly, and sincerely, we are engaged in all the insincerity and folly of Europe, at a period of their history over which themselves would gladly throw a veil. How different has been the course of the British Government! In the correspondence of her Minister with the Envoy of Spain, lately published in this country, we have seen all this diplomatic fog dissipated, which our own seems to delight in as the highest evidence of the talent and skill of the statesman. There, the story is told

in a style so clear, simple, firm, and respectful, that none can misunderstand or doubt the meaning; here, the bad taste of the rhetorician is so intermingled with the affectation of the statesman, that you are in doubt whether it means this thing or something else; and this, too, by a Government whose duty it is, as being the oldest of the Republics, to give an example of candor and moderation. Not only this, but to expose to the people of this nation every transaction, in a clear and distinct point of view, that they may unhesitatingly decide upon their own affairs, and know the conduct of their Representatives.

This measure, fraught with so much mischief to this country, is one that ought to be avoided if possible. So far as I can see, in all its bearings, it looks to the conquest of Cuba and Porto Rico; or, at all events, of tearing them from the crown of Spain. The interests, if not safety, of our own country, would rather require us to interpose to prevent such an event; and I would rather take up arms to prevent than accelerate such an occurrence. These Republics have a mixed population, it is true, but the proportion of all others, when compared to the Spanish American, is but small. They, by a provision in their constitution, have abolished slavery, and placed every color on an equal footing, which may not be any great inconvenience to them. But what will be the state of the case should Cuba and Porto Rico be revolutionized upon their principles? It is well known that those colonies contain nearly five blacks to one white person; that in Cuba the proportion is this or more. It must then be a black Republic. The condition of Hayti is also to be taken into consideration at this Congress, to determine whether Hayti shall send Ambassadors to the different powers; and, if all questions are to be decided by a majority of votes, we must expect those Republics to act upon their principles, and compel us to receive a negro Minister; as the stipulations of this Confederacy of Republics are, to "interpret treaties," and coerce, if necessary, those who manifest an unwillingness to perform the task assigned to them by the Congress of Panama.

Why should we, then, engage in this moon-struck project, which threatens, at no distant day, a large portion of our country, embracing the whole of our Southern frontier? Cuba is scarcely more than eighty miles from Florida; the narrow sea between can be often passed in a few hours, in open boats; leaving the whole of Louisiana, Florida, and Georgia, open to sudden invasion from these black Republics at any time. Besides, the jealousy and discontent which this state of things would engender, must finally lead to rebellion and civil discord, should no immediate war be produced. Can there, then, be a man, who, viewing this subject in all its bearings, will not shudder at a picture like this, and abandon the project? A project which cannot, in any possible event,

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bring good to this country or that Republic, and may produce incalculable and irremediable evils to this Union. Surely it will be a bitter reflection, to those concerned in it, that, to "exhibit a splendid spectacle to the eyes of European Governments," or give those desiring it "a bright page in history," all these evils have been brought upon their country. Should the bold daring of this project be carried into execution, in all its parts, I am inclined to think that it will be discovered that we have withered the opening bud of our future greatness, and that "the bright page of history" will be crimsoned with the blood of our citizens.

If, however, we, reckless of consequences to our citizens and country, pursue this course, asserting, in the propagation of these principles, that men of every nation, kind, color, and degree, are entitled to the same usage, placed upon the same footing, participating alike in all the rights, privileges, and powers of Government, is it at all certain these visions may not be dissipated by the thunder of England? She has too deep a stake in the affairs of America, particularly the West Indies, to look on with indifference.

The moment these Ministers take their seats in the Congress of Panama, and begin to act upon the subjects proposed, as those which will engage their attention, that moment you will give just cause of war to any European nation which may think proper to declare it against you—France, Russia, the Netherlands—for, the act itself is, on your part, a declaration of war against Spain; and England, whatever may be her disposition at this time towards us, must declare war against us; she cannot avoid it; her interest is too deeply involved to remain an idle and inactive spectator. Were she to take this course, she would stand justified in the eyes of the world. I, too, could not otherwise than think she pursued the course I would have my own country pursue; and, doubtless, Governor Strong's "moral and religious" friends could find some excuses for her. Sir, I do not fear England; we have beaten her in two wars—one, at all events—though, in the last, we coped with fearful odds: with Britain from without, and a fearful opposition from within—an opposition now at the head of affairs. But, whilst I do not fear England, I know her power; it is vast; nor would I, for light causes, disturb that power. Her thousand ships of war, and hundreds of thousands of men, and millions of money, are not trifles to be overlooked in political arrangements.

Great Britain, I have said, will be compelled to wage a war against us, to preserve her own colonies, and her subjects from massacre. She has, in the West Indies, seventeen colonies; including, in this number, two in South America, that of Demarara and Berbice. Her territorial extent is vast, sending directly to Great Britain, annually, immense quantities of sugar,

coffee, and rum, to say nothing of thousands of other articles of commerce, the growth and products of these colonies. Besides all this, she has from six to seven hundred thousand slaves, which, if the doctrine inculcated by these new Republics prevail, will be incited to rebellion, and England be doomed to witness the scenes of Saint Domingo acted over again, in her own colonies. Not less important is Jamaica, Demarara, Berbice, and Trinidad, to her, in the conduct and protection of her commerce everywhere. When she loses these, her commercial greatness is on the wane. It would be nothing short of folly to believe, that she would jeopardize these territories, or permit them to be torn from her by revolution, when we know that she taxes the same products higher from any other part of the world than from these colonies, by ten shillings a hundred weight. Let us not deceive ourselves, or be tempted to change our relations with other powers—we have prospered, we do prosper, and are at peace.

Loud cries for the question now resounded from all sides of the House.

The question was finally taken on the amendment of Mr. McLANE, and decided in the affirmative, by yeas and nays—yeas 99, nays 95.

The question then being on agreeing to the resolution reported by the Committee of Foreign Relations, as amended on the motion of Mr. McLANE—

Mr. STORRS demanded that it should be decided by yeas and nays; which was ordered by the House, pending which motion,

The House adjourned.

FRIDAY, April 21.

*Mission to Panama.*

After some observations, the question was taken on the resolution of the Committee of Foreign Affairs, as amended on the motion of Mr. McLANE, and decided by yeas and nays—yeas 54, nays 143.

So the resolution was rejected.

The question was then taken on striking out the enacting words of the bill, and decided in the negative, by yeas and nays—yeas 61, nays 184.

So the House refused to strike out the enacting clause.

The bill was then ordered to its third reading to-morrow,

And the House adjourned.

SATURDAY, April 22.

*Mission to Panama.*

An engrossed bill "making an appropriation for carrying into effect the appointment of a mission to the Congress of Panama," was read a third time.

Mr. BARNEY demanded that the question on the passage of this bill should be taken by yeas and nays.

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The yeas and nays were ordered by the House.

Mr. McDUFFIE then rose and said :

Mr. Speaker : As we have at length reached the last act of this great drama, I cannot consent to take leave of this mission to Panama, without saying a few words, by way of parting benediction. As this House has solemnly resolved that it is inexpedient that our Representatives should take any part in the deliberations of the Council, on the only subjects on which we have been invited to participate, I take it for granted that Mr. Sergeant and Mr. Anderson will proceed, with all due "pomp and circumstance," to Panama; present themselves before the Council of Amphictyons; make a profound bow in the sacred name of liberty, bundle up their baggage, and return home with all convenient expedition. And, sir, having divested this mission of its tragical attributes, and left nothing but an empty pageant—a solemn farce to be acted by the Executive—I confess that I have no serious apprehensions that much evil will grow out of it. But still I cannot vote for this appropriation. For, though I never have been a stickler upon questions of proper expenditure, I am unwilling to pay forty or fifty thousand dollars per annum for the pleasure of being ridiculous, and the privilege of being laughed at. But, as the Administration have determined to go forth blindfolded, and with their hands tied behind them, tilting against—I will not say wind-mills, but the shadows of wind-mills—I have only to say, and I do it in all sincerity, God grant them a safe and a speedy deliverance.

The question was then taken on its passage, by yeas and nays, and decided in the affirmative, as follows :

YEAS.—Messrs. Adams of N. Y., Addams of Pa., Allen of Mass., Anderson, Armstrong, Bailey, Badger, Baldwin, Bartlett, Bartley, Barber of Conn., Barney, Baylies, Beecher, Boone, Bradley, Brent, Brown, Buchanan, Buckner, Burleigh, Burges, Cambreleng, Cassedy, Clarke, Condict, Cooke, Crowninshield, Dorsey, Dwight, Eastman, Edwards of Pa., Estill, Everett, Findlay of Penn., Findlay of Ohio, Fosdick, Garnsey, Garrison, Gurley, Harris, Hasbrouck, Hayden, Healey, Hemphill, Henry, Herrick, Holcombe, Hugunin, Humphrey, Ingersoll, Jennings of Indiana, Johnson of New York, Johnson of Va., James Johnson, Francis Johnson, Kellogg, Kerr, Kidder, Lathrop, Lawrence, Letcher, Lincoln, Little, Livingston, Locke, Mallery, Markell, Markley, Martindale, Martin, Marvin of N. Y., Mattocks, McLane of Del., McLean of Ohio, Mercer, Merwin of Conn., Metcalfe, Miller of N. Y., Miner, James S. Mitchell, John Mitchell, Mitchell of Md., Moore of Ky., Newton, O'Brien, Orr, Pearce, Porter, Powell, Reed, Rose, Ross, Sands, Scott, Sill, Sloane, Sprague, Stevenson of Pa., Stewart, Storrs, Strong, Swan, Taliaferro, Taylor of Va., Test, Thomson of Penn., Thompson of Ohio, Tomlinson, Trimble, Tucker of N. J., Van Horne, Van Rensselaer, Vance, Varnum, Verplanck, Vinton, Wales, Ward, Webster, Weems, Whipple, White, Whittemore, Whittlesey, Wickliffe, Williams, James Wilson, Henry Wilson,

Wilson of Ohio, Wood of N. Y., Wright, Warts, Young—134.

NAVS.—Messrs. Alexander of Va., Alexander of Tenn., Allen of Tenn., Alston, Angel, Archer, Ashley, Barbour of Va., Bassett, Blair, Bryan, Campbell, Carson, Carter, Cary, Claiborne, Cocke, Connor, Crump, Davenport, Deitz, Drayton, Edwards of N. C., Floyd, Forsyth, Garnett, Gist, Govan, Harvey, Haynes, Hines, Hoffman, Holmes, Houston, Ingham, Isacks, Kremer, Le Compte, Long, Mangum, Marable, McCoy, McDuffie, McKean, McNeill, Mitchell of Tenn., Moore of Ala., Owen, Peter, Plumer, Polk, Rives, Saunders, Sawyer, Smith, Tattall, Thompson of Georgia, Trezvant, Tucker of S. C., Wilson of S. C.—60.

And then the House adjourned.

MONDAY, April 24.

*Revolutionary Officers.*

Pursuant to notice, Mr. HEMPHILL asked the House to take up the bill for the relief of the surviving officers of the army of the Revolution.

Mr. HEMPHILL addressed the committee as follows :

The officers of the army, independent of their military occupations, had, in common with their fellow-citizens, to bear losses, occasioned by the depreciation of the currency of the country, and the precarious uncertainty of the times. They had to bear more than their fair proportion of civil misfortunes, as their families and estates were left without their personal care and protection. After the declaration of independence, it was not long until Congress witnessed, in the progress of the war, that the army had suffered by bad appointments, and that it was essential to the successful issue of the contest that troops should be well officered; and they resolved that it be recommended to the several States to use their utmost endeavors that men of honor and known abilities be appointed to the service; and, on the 7th of October, 1776, they resolved, that, as an encouragement for gentlemen of abilities to engage as commissioned officers, in the troops to be raised to serve during the war, their monthly pay should be increased. Notwithstanding this resolve, dissatisfaction in the army, owing to wants and hardships, existed, and gradually increased, and Congress, aware that the preservation and subordination of the army depended mainly on its officers, resolved that those who should continue in service to the end of the war, should have half pay for seven years from the establishment of peace. The difficulties, however, remained, and still increased; as the army was not regularly paid, and, when paid, it was depreciated currency. In this situation of affairs, the Commander-in-Chief, in his letter of the 29th of January, 1778, to a committee of Congress, at the camp, said that something must be done; important alterations must be made: for, without it, if the dissolution of the army should not be the consequence, at least its operations must infallibly be feeble, languid, and ineffec-

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tual. Without officers, he said, an army could not exist; and that, under their present embarrassments, few of them would be able, if willing, to continue in the service for the war. He then undertook to prove the necessity of half pay and pensionary establishments. Few men, he said, are capable of making continued sacrifices of all views of private interest; and that it was in vain to exclaim against the depravity of human nature on this account; we must change the constitution of man before we can make it otherwise. While an officer, instead of gaining any thing, is impoverished by his commission, there can be no sufficient tie upon him; and it would be a comfortless reflection to any man, that, after he may have contributed to securing the rights of his country, at the risk of his life and ruin of his fortune, there would be no provision made to prevent himself and family from sinking into indigence and wretchedness. Nothing, he said, in his opinion, would serve more powerfully to reanimate their zeal than half pay and pensionary establishments; as it would, in a great degree, relieve the painful anticipation of leaving their widows and orphans a burthen on the charity of their country; and it would dispel the apprehension of personal distress at the termination of the war, from having thrown themselves out of professions and employments which they might not have it in their power to resume. He urged his sentiments, he observed, with the more freedom, because he could not receive the smallest benefit from the establishment.

Congress being inspired with the same love of country, and seeing the actual necessity of the case, again, on the 17th of August, 1779, resolved, "That it be recommended to the several States to grant half pay for life to the officers who should continue in the service to the end of the war." But this recommendation was not complied with on the part of the States. At this period, the issue of the war was uncertain, and in great danger, and the uneasiness among the whole troops had become alarming. General Washington again, on the 20th of August, 1780, addressed a letter to the President of Congress, of which the following is an extract:

"I cannot forbear returning, in this place, to the necessity of a more ample and equal provision for the army. The discontents on this head have been gradually matured to a dangerous extremity; there are many symptoms that alarm and distress me. Endeavors are using to unite both officers and men in a general refusal of the money, and some corps now actually decline receiving it. Every method has been taken to counteract it, because such a combination in the army would be a severe blow to our declining currency; the most moderate insist that the accounts of depreciation ought to be liquidated at stated periods, and certificates given by Government for the sums due. They will not be satisfied with a general declaration that it shall be made good. This is one instance of complaint; there are others equally serious. Among the most serious, is

the inequality of provision made by the several States. Pennsylvania maintains her officers in a decent manner; she has given them half pay for life. What a difference between their situation and that of the officers of any other line in the army! some of whom are so actually destitute of clothing as to be unfit for duty, and obliged, from that cause alone, to confine themselves to their quarters. I have often said, and I beg leave to repeat it, the half pay provision is, in my opinion, the most politic and effectual that can be adopted. On the whole, if something satisfactory be not done, the army, already so much reduced in officers, by daily resignations, as not to have a sufficiency to do the common duties of it, must either cease to exist at the end of the campaign, or it will exhibit an example of more virtue, fortitude, self-denial, and perseverance, than has, perhaps, ever yet been paralleled in the history of human enthusiasm. The dissolution of the army is an event that cannot be regarded with indifference: it would bring accumulated distress upon us; it would throw the people of America into general consternation; it would discredit our cause throughout the world; it would shock our Allies: To think of replacing the officers with others, is visionary; the loss of the veteran soldier could not be replaced."

Shortly after the date of this letter, paper money became so bad that it was no longer offered in payment; in this year, also, was the defection of Arnold, and the fall of Charleston. Under these circumstances, and in consequence of the recommendations to the States not being complied with, and the urgent solicitations of the Commander-in-Chief, Congress were induced, on the 21st October, 1780, to resolve, that half pay for life be granted to the officers in the army of the United States who shall continue in service to the end of the war. There were several intervening and subsequent resolves, all of which need not be referred to: the resolve of 1780 being the principal one by which the public faith of the nation was solemnly pledged, and on the faithful discharge of the duties to be performed by the officers under it, depended the liberties and salvation of the country. This compact of the Government was noble and just: it infused, for a time, a spirit of contentment among the officers, but that was all: their arrearages remained unpaid, and their accounts unsettled; their distresses and sacrifices daily increased, and their patience and patriotism had more difficulties to encounter than had ever before fallen to the fortune of any army. For upwards of two years the officers remained without any pay, and they had to procure their clothing by their own means, and through their friends. The situation of the soldiers was something better, as they were provided with clothes; though at this period, their supply was deficient, still there were instances of their refusing to accept of commissions, because it was not in their power to find their own clothing. A description of the situation of the army is given by the officers themselves. In December, 1782, the officers of the army addressed Congress, in behalf of

themselves and their brethren, the soldiers, to make manifest to Congress the distresses under which they labored; that they had struggled with difficulties, year after year, under hopes that each would be the last, but they had been disappointed; that their embarrassments had thickened so fast that many of them were unable to go further. To prove their hardships, they referred to the Paymaster's accounts for the last four years; that, although the States had given certificates for pay due, for part of the time, they had sunk in value to little or nothing; and, as trifling as they were, many had been under the sad necessity of parting with them to prevent their families from actually starving. They represented that shadows had been offered to them, while the substance had been gleaned by others, and that their distresses had now been brought to a point; that they had borne all that men could bear; that their property was expended, and their resources at an end; and that their friends were wearied out with their incessant applications; that the uneasiness of the soldiers, for want of pay, was great and dangerous, and further experiments on their patience might have fatal effects. They described the deplorable situation of the army, as to rations, clothing, and pay. They spoke of the half pay as an honorable and just compensation for services rendered, and hoped, for the honor of human nature, that there would be none so hardened in the sin of ingratitude, as to deny the justice of the reward; but that, if objections to the mode only were raised, to preserve the harmony of the community, they were willing to commute the half pay pledged, for full pay for a certain number of years, or for a sum in gross. They entreated that Congress, to convince the army and the world that the independence of America should not be placed on the ruins of any particular class, would point out some mode of immediate redress.

The subsequent proceedings in relation to the officers are notorious. On the 21st of March, 1788, Congress resolved, that five years' full pay should be given to the officers, in money, or in securities, bearing an interest of six per cent. per annum, as should be most convenient to Congress, to be paid as other creditors of the United States, in lieu of half pay for life: provided, however, that this commutation be accepted by lines and corps, and not by officers individually, and that such acceptance or refusal should be signified by the Commander-in-Chief to Congress, from the lines under his immediate command, in two months. This resolution depended entirely on the success of applications to be made to the respective States to place funds in the power of Congress. And, on the 18th of April, the 2d of May, 1788, and 27th of May, 1784, resolves passed that requisitions should be made to the several States to provide funds to enable Congress to discharge the well-earned dues of the army. But these requisitions of Congress,

on the several States, entirely failed: so that, contrary to the expectations of all the parties, Congress was without any means either to pay money for these commutation certificates, or to convert them into securities which would command money. The result was that nothing was paid, and the commutation certificates depreciated to about eight for one. This was a period in which the officers stood in the most urgent need of money; as, in October, 1788, Congress had discharged those who had been engaged for the war. Thus was an unpaid army dispersed, and all the cheering prospects with which they had been flattered, by the resolves of 1780 and 1788, at once vanished from their sight. Necessity obliged the most of them to part with their certificates at about one year's half pay. In this condition the situation of the officers remained for eight years, until after the constitution and the funding system were established, when the certificates were funded in the hands of the then holders, at three per cent. interest on the arrears of interest, and with a suspension of interest on one-third of the principal for ten years; so that the amount of stock received, reduced to six per cent., was scarcely equal to the sum which would have been payable at that time for half pay, under the act of the 21st of October, 1780. But even this security for their wages, on these unequal terms, came too late for the officers, as the certificates of most of them were then gone into the hands of speculators; and it was not in their power to regain them. The inability of the Government to perform its contract brought this distress upon them; their wants had to be complied with as far as the certificates would go: and to this, it is to be added, that, when the army was disbanded, two years of their pay remained unpaid; and the evidences of these arrears had to share the same fate with the commutation certificates. The officers had no control over necessity; and nothing of their two years' pay and the half pay for life has been enjoyed by them, except the mere shadow. This is the simple narrative of their case, as it has remained for upwards of forty years.

After a lapse of so many years, it will readily be perceived how difficult it is to settle the claims of the Revolutionary officers on any principle that may be deemed accurate, and corresponding with the various views that are entertained on the subject. The principle on which former committees have gone, is that of deducting from the arrears of half pay, computed from the cessation of hostilities to the present time, the full nominal amount of the commutation certificates, and paying the surviving officers the balance, if it did not exceed a million; and henceforward, during the remainder of their lives, paying the half pay stipulated by the resolve of 1780. Even this mode of settlement, which is the most favorable to the officers of any suggested, subjects them to all the losses occasioned by the depre-

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ciation of the commutation certificates. Another mode suggests itself: that of paying the full amount of the five years' full pay, with interest, as the officers in reality never received it, and that owing to no blame on their part. The character of the services, and the happy consequences which have flowed from them, calls our attention to another mode, by which the Treasury of the country will lose nothing; and this can only be done by calculating, as nearly as possible, the amount which the Treasury has actually gained, and it will appear that it amounts, at this day, to a very considerable sum, out of the stipends of each surviving captain who served to the end of the war. And even this mode, which a high-minded Government cannot regard as unfair, leaves the officers to bear the losses of the commutation certificates, which they were obliged to part with in the hour of their urgent need, in reality for nothing more than about an anticipation of one year's half pay. But I will refrain, for the present, from any further remarks, or any endeavor to bring the case within the rules of acknowledged law. It must be manifest to every one, that the equitable circumstances in favor of the officers are strong and powerful; and if we confine ourselves only to the two periods of the commutation certificates, and the funding system, ample reasons may be assigned to support this equitable claim. By the funding system, the Treasury gained, by suspending interest on one-third of the principal for ten years, and by paying only three per cent. interest on the arrears of interest; but the principles of equity do not stop here; it was the understanding of the resolve of 1788, that the officers should receive money, or certificates which would be equivalent to money: this was their expectation; this formed the inducement for the acceptance, by lines and corps, of these certificates: for it is not conceivable that men in their senses would agree to receive a less sum for a greater, unless the lesser sum was to be paid in cash, or better secured.

The object was, to place some funds in the hands of the officers, who were then about to change their situation from a military to a civil life, to enable them to commence in civil occupations. This was their understanding; but this reasonable expectation was soon baffled. The money was not paid—the security was not increased—and the certificates sunk to a trifle. The officers had nothing in their power but to witness this new disappointment, which destroyed all hopes of their stipulated reward, which they had earned, by sacrificing the best part of their lives in an arduous and bloody war of eight years. The inability on the part of the Government to perform its contract, compelled the officers to part with their certificates, at the reduced prices that have been mentioned. To the gain of the Government, by suspending interest on one-third of the principal for ten years, and funding the arrears

of interest, at an interest of three per cent., ought, on principles of fairness and equity, to be added a sum equivalent to their many disappointments.

The committee, in reviewing the various aspects which the subject presented, found a difficulty to determine what course to pursue; especially as the subject, on the ground of contract, had been twice reported to the House, and not sustained.

It was concluded, upon the whole, that it would be best to grant a sum in gross, to be divided among the officers who are living, and to close the doors against all future claims. This mode, it was thought, would, better than any other, accommodate itself to the various opinions entertained on the subject, some being founded on contract, some on the principles of equity, and some in favor of a gratuitous grant. This opinion was also strengthened by the circumstance, that all previous laws on the subject of pensions, had been confined to the living, and that nothing had been extended to heirs or representatives, which would lead to great extent and uncertainty; and, as the children cannot be young, they may be presumed to be able to maintain themselves, and can found no claim except on strict right. And in conversing on this subject with many, it seemed to be a prevailing sentiment, that a respectable sum in gross should be awarded, to be divided among them according to their continental rank and yearly pay.

Mr. HEMPHILL concluded by moving to fill the blank for the appropriation with the words "one million of dollars."

A debate now commenced, which continued till four o'clock, in which Messrs. ALSTON, MITCHELL, of Tennessee, and McCoy, opposed, and Messrs. SMITH, ANDERSON, REED, ESTILL, DWIGHT, BUCHANAN, and HUMPHREY, advocated the bill.

The following are the remarks of Mr. SMITH in support of the bill:

Mr. Chairman: Before the sense of the committee is taken upon this bill, I must be indulged with a very brief exposition of the reasons which have induced me to give it my support. The right of the claimants to its benefits, is founded upon a solemn contract, solemnly and deliberately entered into, between the officers of the Revolutionary army and their Government. The evidence of this contract (rendered peculiarly obligatory by the urgency of the occasion which produced it) is to be found in a resolve adopted by Congress in the month of October, 1780, granting to the officers of the army who should continue in service to the close of the war, half pay for life. This resolve constitutes the basis of the obligation of the Government to grant, and of the right of the officer to receive, the stipulated compensation. That we may, Mr. Chairman, form a juster conception of the solemnity of this contract, and the rights and obligations of the parties to it, it may not be improper, perhaps, to

\*advert, for a single moment, to the circumstances which preceded and led to the adoption of the resolve just indicated. The pecuniary embarrassment of the Government, connected with our successful resistance to British tyranny and oppression, is a fact of universal notoriety. It forms a prominent feature in that ever-memorable struggle, and imparts additional lustre to its happy termination. Were it necessary to furnish evidence of the fact, I could appeal to the recorded history of that eventful conflict, and to the few surviving witnesses who yet linger among us, exhibiting, in their persons, the mournful evidences of departed strength, but whose memories still retain the strongest recollection of the deeply interesting events of a period infinitely the most important in the annals of the world. In their personal sufferings and privations, you would find abundant proof of the very limited means of the Government. It is true, their wants were but few, but, few as they were, they could not command the scanty means necessary to supply them. What were the consequences of this state of things? Resignations were frequent, the public service abandoned, and a dissolution of the army seriously apprehended. The crisis was truly alarming. The evil, big with danger to the best and brightest hopes of the patriot, demanded an immediate and efficient remedy. The Father of his Country, always cool and collected in the midst of difficulties, and equal to every trial, correctly appreciating the magnitude of the evil, and the fearful result it portended, suggested the proper corrective. He recommended to Congress the adoption of the very measure which is the foundation of the present claim. In obedience to this recommendation, which alike comports with the dictates of justice and expediency, Congress, in the month of October, 1780, resolved, "that such officers as should continue in the military service of the country to the close of the war, should be entitled to half pay for life." This provision was tendered to, and accepted by, the officers, individually, and thus was a contract, solemnly, deliberately, and voluntarily entered into, between them and their Government. The Government promised a compensation which would render the veteran in its service comfortable in the winter of old age, and, in consideration of this promise, he pledged the best services of his best days to the end of the contest. What engagement more obligatory! What contract could create a clearer right, or impose a stronger obligation! In my humble judgment, none. The services of the officer were indispensable in the vindication and maintenance of our just rights; his skill and experience necessary in conducting the war to a safe and honorable termination—the establishment of National Independence. On the part of the officer, the promised reward cheered his hopes, and animated his exertions. He looked with confidence to it, as the means which would

protect him from penury and want, when time had wasted his strength, and disqualified him from engaging in the busy scenes and active pursuits of life. I repeat it, therefore, that no contract is more solemn, whether we regard the circumstances under which it was made, or the objects intended to be accomplished. Let us then briefly inquire into the manner in which this contract has been performed by the respective parties to it. By the officer, how has it been performed? Foregoing all the comforts of his fireside, and the endearments of domestic life, he has executed it to the very letter—he has executed it in toil and in suffering; many a well-fought battle, successive days, which ever found him at his post in the midst of danger, and sleepless nights, bear witness to the fact. His blood furnished honorable and impressive testimony of faithful service. Indeed, every leaf of our Revolutionary history discloses some splendid instance of his devotion to the great cause of Liberty. In a word, his services were not grudgingly contributed, but zealously and honestly rendered, not for a month or year, but to the end of the conflict. Permit me now to ask, whether the Government has performed its part of the contract? Has the original stipulation been carried into execution, according to its true intent and meaning? Has the pledged faith of the nation been redeemed? How can these questions be answered, without involving the Government and nation in a charge of the grossest injustice? Satisfaction, sir, has been too long delayed. Years have gone by, and most of our Revolutionary heroes have descended to the tomb: and yet the contract remains to be executed on the part of the Government. Can we shield ourselves against the demand, under the plea of the statute of limitations? It is not, and will not be pretended, that we can, and, if we could, who is there willing to rely upon it? Not one member of this committee, I am satisfied. Can we claim the benefit of a release? How, and in what manner, have we been released from our obligations? Does the resolve of 1783, substituting the five years' full pay for the half pay for life, operate a discharge of our undertaking? This resolve, at first view, certainly looks something like a discharge; but a little reflection will, I think, correct this first impression. The election given by it, either to take the five years' full pay, or the half pay for life, was to be made, not by the officers individually, but by lines and corps. This election by lines, I contend, is a palpable departure from the terms of the original contract, and furnishes no bar to the claim. I lay it down as an incontrovertible position, that the obligation of a contract can only be dissolved by the same power which created it. The parties must be the same, and in a situation to give, or withhold, their assent, as whim, or caprice, or their unbiassed judgments, may direct. This principle is too obvious to need illustration, and will not be denied

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here or elsewhere. Let, then, this universally admitted principle be applied to the present question, and, unless I am greatly mistaken, it will appear, conclusively, that the right of the surviving officers of the Revolution, to the half pay for life, is unaffected by the acceptance, by corps, of the five years' full pay. The original stipulation was with the officers of the army, individually. The provision was tendered, not to lines, but to officers, in their individual capacities, and, in that way, accepted by them. With what propriety, then, can it be said, that a contract, thus formed, can be dissolved in any other mode? How can the novel and extraordinary position be maintained, that A's rights may and can be surrendered by B, C, and D, without his consent and authority? The thing is impossible, sir. It cannot be done. Such a doctrine would countenance the grossest injustice, and do violence to every man's common sense. Yet this violence and injustice will be done, if it be admitted that the acceptance by lines has extinguished the individual right of each individual officer of the army, *volens volens*. But the committee will not, I am sure, lend its aid in bringing about so startling a result.

Mr. ANDERSON followed Mr. SMITH, and addressed the committee in the following terms:

I am well aware of the importance of time to the committee, at this late day of the session, and of their impatience, and shall content myself with a very few observations on the bill now before us, trusting it will find advocates on this floor, not only disposed, but far more able than myself to do ample justice to its merits. It would be a useless waste of words, and what now is much more important, of time, to go through a recitation of the sacrifices, sufferings, and gallant services of these worthy petitioners; they, in fact, constitute the history of our Revolution, and have become familiar to us all, even from our cradles. Nor will I detain the committee by any argument, to show the relative rights and obligations that attached to the claimants, and were imposed on the Government, by the resolves of 1780 and '83. All these rights, and the obligations, moral and legal, resulting from these resolves, were ably, and with great accuracy of detail, laid before us by the gentleman from Pennsylvania, Chairman of the Select Committee.

We all admit their services; we admit they nobly earned the promised reward; and, sir, we are compelled to admit, too, that this reward has been to them, thus far, a reward of promises only—mere empty, unredeemed promises, and nothing else.

These men, or most of them, left the army poor—poor, too, in consequence of the very services they had so faithfully rendered their country; and have continued comparatively poor to this day.

And what, sir, is the cause of their continued poverty and distress? Not that they were

destitute of talents, fortitude, and temperance; for all these they were eminently distinguished. Neither will it be denied that they are, and ever have been, among the number of our most worthy and industrious citizens. Why, then, have they continued laboring against the tide, and struggling with poverty, while all around them, of like praiseworthy habits, but of far less abilities, have placed themselves beyond the reach of want? The answer is obvious. That period of their lives, the period that fixes the habits and course of business on us all, and enables us, while our wants are few, to accumulate a fund that shall keep in advance of our subsequent increasing expenses, you required of them for your service; and for a service, too, that, above all others, peculiarly disqualifies men for the successful pursuit of the ordinary concerns of life. And, sir, had you, when these services were over—when you no longer had an enemy to meet—when they had achieved all you ever expected or wished—when the condition on their part had been faithfully performed, and their right to the reward had vested and become absolute—had you then made good your engagements, these men would now be in a very different situation. Their half pay for life would have rendered their journey easy, not only from the close of the war to this time, but through the remainder of their days. Let us look, for a moment, to the process by which they were divested of these annuities, to which they had become fairly and completely entitled. I mean the much-talked-of commutation act of 1783. In consideration that they would release you from these annuities, you promised to give them five years' full pay in money, or stock bearing interest, to be equivalent to money. The project was entirely your own, and these very petitioners, being the younger part of the officers of the army, were, in a measure, forced into its acceptance.

The act itself was arbitrary and coercive. It did not leave the officers free to act, to exercise their own judgment, and individually to decide whether they would accept or reject its provisions, but confined its acceptance to lines and corps—thereby placing it in the power of a few prominent commanders, in effect, to decide for a whole line or corps. Government well knew this five years' pay was altogether an inadequate consideration for the annuities to be relinquished; they knew, too, that the officers were destitute and their families suffering; and, above all, they and the world knew, that the recommendation of their great Commander had the force of law upon a majority of every line and corps in the army. Hence it was that this golden bait was held out to these half-famished men; it was to be cash in hand, or such stock as should be equivalent; it was to enable them at once advantageously to establish themselves in civil pursuits; it would afford immediate relief to their pressing necessities, and, more than all the rest, it had the



approbation of their Commander, whose judgment they could not doubt. Still it was a sacrifice; even had it been punctually paid, it was well known to be far short of a fair compensation for the annuities; individual election was, therefore, taken away, and nothing but habitual compliance with the requests of their Government, and the well-known wishes of their Commander, together with an entire unshaken confidence and belief of immediate payment, could have induced them to part with a greater good for one so much less. Commutation certificates are at last accepted by lines and corps—Government, and not the officers, being judges of this acceptance. And how, then, did they stand? Why, Government had redeemed, or, rather, at a discount of two-sevenths, had purchased in, these promised annuities, by a new promise—which last promise was, at all events, to be cash forthwith.

The officers then held Government's notes for two, three, or nine thousand dollars, respectively, according to their rank, received in the full faith that they were to be immediately equal to so much specie. And what were they in reality worth? Scarcely as many hundreds as you had promised the thousands. They poor, and their families destitute and dependent, instead of their three or four thousand dollars, to relieve immediate wants, and establish themselves in civil pursuits, as you had promised, and they had every reason to expect, found, to their sorrow and utter confusion, that the whole was scarcely equal to their wants for a single year.

Such, in fact, was the operation of this commutation, that all they ever realized for their half pay for life, amounted to less than full pay for eight months.

All this they bore with scarcely a murmur; they had learned to be quiet under every sacrifice and privation; they thought Government then could do no better; they forebore in its need, and were silent from the purest motives. And now, shall we set up time in bar of their claim, and say to them, we hold you to the strictest letter of the contract? Although we run down our own paper, and forced you to part with it for a mere song; although we took advantage of its depression, and bought it in at an immense discount, and our Treasury holds over two millions of dollars speculated out of you, in these very certificates—yet, admitting all this, we will not pay you a single dollar. Will this be treating them honestly? To say nothing of gratitude or generosity, will it be treating them as one honest man treats another? Shall we, a rich, generous, and powerful nation, as we daily call ourselves—a nation, too, by the sacrifices, sufferings, and valor of these very men—because they have suffered under our injustice for more than forty years, now turn a deaf ear to their petition, and say, it is an old story; we have your receipts, and shall hold you to strict legal right? Might they not justly turn upon us and inquire,

whether, in the hour of the nation's want and peril, when they were rich in all the wealth we wished to find in them—courage, patriotism, and strength—they ever held the Government to the letter of the contract with them? Did they ever refuse to march or meet the enemy, because they were not paid and fed as the Government had promised? It is true, General Washington informs us, that, so miserably were they clad, they refused to meet or see their friends, but never their enemy. And, sir, when the war was over—when they had conquered peace, and won a nation by their valor—when they had the power in their own hands—did they, even then, though insidiously advised so to do, hold the Government to the letter of the contract? In fine, sir, go through the history of the Revolution, you will not find an instance where the good of their country's service has not outweighed, with them, every private consideration. It exhibits a continued series of concessions on the part of the army, to the wants of the Government for promises never fulfilled. They uniformly yielded as the Government requested, and all they ever yet have received is unperformed promises and starving resolves of gratitude; and all they now ask is a part only of what your Treasury has made by a forced, unequal bargain; not what they have lost by your total failure to meet your engagements, but what your Treasury has actually saved and made at their expense. The country now is abundantly able, and, I am satisfied, is anxious, that these claims should be not only equitably, but generously adjusted. Suppose, sir, these certificates had not been funded, and the officers now held them, and had endorsed every dollar and cent Government ever paid for them, and yet a balance remained due—is there a man in this nation who would say such balance ought not to be paid? I believe not. And yet, as respects the Government and these certificates, this is the precise case. And a part only of this balance is all the petitioners now ask, and is what the bill now before us proposes to grant. It is, to be sure, but a mite compared with what they ought and would have received, had Government made good their contract by the honest payment of the annuities by a full and seasonable redemption of their certificates, as was promised and expected. It has been said, if we grant the prayer of these survivors, we shall have the widows and heirs of the deceased upon us. This, sir, is not an argument against the equity of the claim. The objection is imaginary; it is a consequence that may or may not result from the passage of the bill; and when the case shall come before Congress, it will be time enough to consider it. But even were it certain that we should be called on by the heirs of the deceased, to say nothing of the distinction between personal and hereditary merit, is it a sound reason for not doing justice to such as have already applied? It is saying we owe one thousand persons; four

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hundred have applied for pay; if we pay these, possibly some of the remaining six hundred may apply, and we shall be obliged to pay all our honest creditors; therefore, it is just, honest, honorable, and, above all, it is expedient, to pay none.

It will be recollected that the whole army, including officers and men, at the close of the war, amounted to little more than thirteen thousand; and it is to these officers only that the resolve of 1780 extended. It is not, therefore, to be supposed, that more than one thousand claimants under this act, of every description, including survivors, widows, and heirs, could be found to apply; so that, should all come in, they will hardly take from the Treasury the sum it has gained by the commutation, nor will it be so greatly impoverished as gentlemen may imagine. And whatever debt it might leave us to pay, I would sooner incur it than let this opportunity of evincing the nation's justice and gratitude pass unimproved.

In advocating the claim of the officer, I am not unmindful of the private soldier. Most heartily shall I give the bill for their relief my support, when it comes before us; and such generous relief as may be consistent with our means, I trust will be extended to the deserving patriots of the Revolutionary armies.

Mr. BUCHANAN spoke as follows:

Mr. Chairman: It is with extreme reluctance I rise at this time to address you. I have made no preparation to speak, except that of carefully reading the documents which have been laid upon our tables; but a crisis seems to have arrived in this debate, when the friends of the bill, if ever, must come forward in its support. I do not consider that the claim of the officers of the Revolution rests upon gratitude alone. It is not an appeal to your generosity only; but to your justice. You owe them a debt, in the strictest sense of the word; and of a nature so meritorious, that, if you shall refuse to pay it, the nation will be disgraced. Formerly, when their claim was presented to Congress, we had, at least, an apology for rejecting it. The country was not then in a condition to discharge this debt, without inconvenience. But now, after forty years have elapsed since its creation, with a Treasury overflowing, and a national debt so diminished, that, with ordinary economy, it must, in a very few years, be discharged, these officers, the relics of that band which achieved your independence, again present themselves before you, and again ask you for justice. They do not ask you to be generous—they do not ask you to be grateful—but they ask you to pay the debt which was the price of your independence. I term it a debt, sir; and it is one founded upon a most solemn contract, with which these officers have complied, both in its letter and in its spirit; whilst you have violated all its obligations.

Let us spend a few moments in tracing the history of this claim. It arose out of the dis-

tresses of the Continental army, during the Revolutionary war; and the utter inability of the Government, at that time, to relieve them. What, sir, was the situation of that army, when it lay encamped at the Valley Forge? They were naked, and hungry, and barefoot. Pestilence and famine stalked abroad through the camp. The first blaze of patriotism which had animated the country, and furnished the army with its officers, had begun to die away. These officers perceived that the contest would be long, and bloody, and doubtful. They had felt, by sad experience, that the depreciated pay which they received, so far from enabling them to impart assistance to their wives and children, or hoard up any thing for futurity, was not sufficient to supply their own absolute and immediate wants. Placed in this situation, they were daily sending in their resignations, and abandoning the cause of their country. In this alarming crisis, Washington earnestly recommended to Congress to grant the officers half pay, to commence after the close of the contest, as the only remedy for these evils, within their power. The country was not then able to remunerate the officers for the immense and unequal sacrifices which they were making in its cause. All that it could then do was to present them a prospect of happier days to come, on which hope might rest. With this view, Congress, in May, 1788, adopted a resolution allowing the officers, who should continue in service until the end of the war, half pay for seven years. This resolution produced but a partial effect upon the army. The time of its continuance was to be but short; and there were conditions annexed to it, which, in many cases, would have rendered it entirely inoperative.

In August, 1779, Congress again acted upon this subject, and resolved, "That it be recommended to the several States to grant half pay for life to the officers who should continue in the service to the end of the war." This recommendation was disregarded by every State in the Union, with one exception; and I feel proud that Pennsylvania was that State. She not only granted half pay for life, to the officers of her own line, but she furnished them with clothing and with provisions. Thus, when the General Government became unable to discharge its duty to her officers and soldiers, she voluntarily interposed and relieved their distresses. Gen. Washington, when urging upon Congress the necessity of granting to the officers half pay for life, pointed to those of the Pennsylvania line, as an example of the beneficial consequences which had resulted from that measure.

Congress at length became convinced of the necessity of granting to the Continental officers half pay for life. Without pay and without clothing, they had become disheartened, and were about abandoning the service. The darkest period of the Revolution had arrived, and there was but one ray of hope left, to penetrate

the impending gloom which hung over the army. The officers were willing still to endure privations and sufferings, if they could obtain an assurance that they would be remembered by their country, after it should be blessed with peace and independence. They well knew Congress could not relieve their present wants; all, therefore, they asked, was the promise of a future provision. Congress at length, in October, 1780, resolved, "that half pay for life be granted to the officers in the army of the United States, who shall continue in service to the end of the war."

Before the adoption of this resolution, so desperate had been our condition, that even Washington apprehended a dissolution of the army, and had begun to despair of the success of our cause. We have his authority for declaring, that, immediately after its adoption, our prospects brightened; and it produced the most happy effects. The state of the army was instantly changed. The officers became satisfied with their condition, and, under their command, the army marched to victory and independence. They faithfully and patriotically performed every obligation imposed upon them by the solemn contract into which they had entered with their country.

How, sir, did you perform this contract on your part? No sooner had the dangers of war ceased to threaten our existence—no sooner had peace returned to bless our shores, than we forgot those benefactors, to whom, under Providence, we owed our independence. We then began to discover that it was contrary to the genius of our Republican institutions to grant pensions for life. The jealousy of the people was roused, and their fears excited. They dreaded the creation of a privileged order. I do not mean to censure them for this feeling of ill-directed jealousy, because jealousy is the natural guardian of liberty.

In this emergency, how did the Continental officers act? In such a manner as no other officers of a victorious army had ever acted before. For the purpose of allaying the apprehensions of their fellow-citizens, and complying with the wishes of Congress, they consented to accept five years' full pay, in commutation for their half pay for life. This commutation was to be paid in money, or securities were to be given on interest at six per cent., as Congress should find most convenient.

Did the Government ever perform this their second stipulation to the officers? I answer, no. The gentleman from Tennessee (Mr. MITCHELL) was entirely mistaken in the history of the times, when he asserted that the commutation certificates of the officers enabled them to purchase farms, or commence trade, upon leaving the army. Congress had not any funds to pledge for their redemption. They made requisitions upon the States, which shared the same fate with many others, and were entirely disregarded. The faith and the honor of the country, whilst they were intrusted to thir-

teen independent and jealous State sovereignties, were almost always forfeited. We then had a General Government which had not the power of enforcing its own edicts. The consequence was, that, when the officers received their certificates, they were not worth more than about one-fifth of their nominal value, and they very soon fell to one-eighth of that amount.

Mr. HUMPHREY said, the subject under consideration, if not the most important, is certainly as interesting as any upon which we have been, or shall be, required to deliberate during the present session. It is, in all probability, the last demand that will be made upon the justice of this Government, and to gentlemen who are not disposed to regard the application in that light, I may say, it is the last appeal that will be made to its magnanimity and liberality, by a class of men endeared to us by some of our fondest and proudest recollections.

The memorialists ask for the equitable performance of a contract. The first proper subject of inquiry, then, will be, whether such a contract ever existed, and, if it did, whether the engagements of the respective parties, or either, have been performed—if the contract was fairly made—if the terms were fulfilled on the part of the memorialists, and not by the Government, in strict accordance with its letter and spirit. This being the only mode of redress within the reach of the injured party, as the Representatives of the people, on whom the duty rests, and clothed with the power of dispensing justice, we are under the strongest moral obligation not to withhold it. I will now proceed to a very brief examination of the facts of the case.

Was there a contract between the Government and the memorialists; and what were its terms? It is unnecessary to do more than merely advert to the condition of the country and army, at the eventful period of 1778. The spirit of enthusiasm which had animated the officers and soldiers of the army; which had induced them, regardless of personal consequences, to abandon their private pursuits and their domestic comforts, and, at the imminent risk of life, and of every thing dear to them, to engage in a desperate conflict, had begun to abate; and, sir, it is neither a matter of surprise nor of censure, that it was so. They had sustained nearly three years of civil war, marked by every species of horror and outrage. They had fearlessly obeyed every requisition of the Government, whether it required them to act amidst the frozen regions of the North, or on the burning sands of the South. They had endured nakedness and famine, and opposed themselves to danger and death, in all their terrible varieties. Their services and sufferings are matters of history, and familiar to us all. To have expected more from them, or a longer endurance of the extraordinary and peculiar calamities under which they labored, without the future prospect of indemnity or

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reward, would have been attributing to them powers and virtues with which mortal man has not been endowed.

It is almost needless to say, that the opinions of General Washington, on this subject, are entitled to implicit regard; and I beg leave to read, as an item of testimony, a single sentence from his letter to a committee of Congress, in which he represents the condition of the army. It is dated 29th January, 1778. He says: "It is not, indeed, consistent with reason or justice to expect, that one set of men should make a sacrifice of property, domestic ease, and happiness, encounter the rigors of the field, the perils and vicissitudes of war, to obtain those blessings which every citizen will enjoy in common with them, without some adequate compensation. It must also be a comfortless reflection to any man, that, after he may have contributed to secure the rights of his country, at the risk of his life and the ruin of his fortune, there would be no provision made to prevent himself and family from sinking into indigence and wretchedness."

In the same communication, he expressed his apprehensions that, unless something was done to "reanimate their languishing zeal," the total dissolution of the army would be the consequence. And he warmly recommended a half pay or pension establishment, as a desirable and salutary measure. What then was the condition of the parties? The officers had rendered vast and unrequited services to the country. In the language of the Commander-in-Chief, "an entire disinclination" to the service, in its then shape, had taken place. Frequent resignations, and more frequent applications for permission to resign, were daily happening, and from officers of the greatest merit. They were under no legal or moral obligation to continue. They could have quit the army, not only without dishonor, but entitled to the gratitude of the country. A laxness of discipline among the soldiers, owing to the depressed spirit of the officers, and the general distress of the army, was rapidly prevailing. Had the officers then abandoned the service, their places, if supplied at all, must have been filled by men without military skill or experience, who would have been, alike, the subjects of contempt to the enemy and to the troops over whom they were placed in command. In such a state of affairs, it requires no spirit of prophecy to predict a total destruction to the cause.

At this important crisis, Congress, with the view of retaining the officers in the service, and as an inducement for them to continue, resolved, "that officers who should continue in service to the end of the war, should have half pay for seven years from the establishment of peace." In 1779, by a resolution, they recommended to the several States to grant to the officers of the respective lines, who should continue in service to the end of the war, half pay for life. The State of Pennsylvania was the

only one which made such a grant, and whether it was in pursuance of the requisition of Congress or not, I am unable to say. It was, however, totally neglected on the part of all the other States. In 1780, at the most gloomy period of war, Congress, in pursuance of the same system of justice and sound policy, resolved "that half pay for life be granted to the officers in the army of the United States, who shall continue in service to the end of the war."

We will now inquire, sir, how this contract was performed on the part of the Government. In November, 1782, the preliminary articles of peace were signed. Hostilities soon afterwards ceased. The independence of the colonies was acknowledged. The chain that bound them to the British throne was parted forever; and the United States took the rank of a sovereign nation. The engagement on the part of the officers was performed. Their duties consummated. No considerations of expediency or policy could then justify the Government in a failure on its part, or sanction an evasion of the obligation. I ask gentlemen to test the principle in this case by the sense of honor and probity by which, as honest men, they are governed in their own transactions. The fundamental principles of justice are universal; and though Governments have the power, they have not the moral right to disregard them. But we will pursue the history of the transaction to its termination. At the conclusion of the war, Congress, for reasons known to us all, was unable to provide funds for the payment of the arrears due to the army, or for securing to the officers the stipend promised by their resolution of the year 1780. A new engagement was then tendered to the officers in lieu of the provisions of that resolution. And here, sir, I beg leave to correct the honorable gentleman from Virginia, who says this engagement was entered into at the solicitation of the officers. I believe, sir, on recurring to the history of the times, he will find that such is not the fact. I think it more probable, sir, as stated by the honorable member from Tennessee, (Mr. MITCHELL,) that the measure was forced upon the consideration of Congress by the clamors of the citizens, who conceived a pension establishment to be inconsistent with the policy of a Republican Government. However this may be, it certainly originated with Congress, and was not adopted in pursuance of any request from the officers themselves. In March, 1788, Congress adopted a resolution in the following terms:

"That five years full pay should be given to the officers, in money or securities, bearing an interest of six per cent. per annum, as should be most convenient to Congress, to be paid as to other creditors of the United States, in lieu of half pay for life. Provided, however, that this commutation be accepted or refused by lines and corps, and not by officers individually; and that such acceptance or refusal should be signified by the Commander-in-

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Chief to Congress, from the lines under his immediate command, in two months."

To this offer the officers of the army acceded; certain certificates, on which I shall hereafter remark, were subsequently issued and accepted by them. This resolution was intended by Congress as a substitute for the resolution of 1780. It is now contended that the acceptance of the commutation by the officers, operated as a full and complete discharge to the Government from the obligations of the former resolution. To this it may be answered, that there was not a performance on the part of the Government of this new contract; and that the fulfilment of it was in the nature of a condition precedent, to the binding effect of the acceptance by the officers. By the resolution, Congress agreed to give in money or securities; and such were its terms at the time the commutation was accepted by the officers. I wish it to be borne in mind, that the agreement to the commutation and the subsequent acceptance of the certificates were distinct acts, and took place under very different circumstances. Congress, in pursuance of this new engagement, did not give in money. And it will not be pretended that the certificates which they afterwards issued even partook of the nature of securities. By securities, we understand some valuable property, some distinct fund set apart and specially appropriated as a guarantee for payment. The certificates which were issued were merely evidences of the debts which, by the resolution, they had agreed, as one of the alternatives, to secure; and that they were not securities in fact was proved by their almost total failure, in the hands of the unfortunate men who were deluded by the acceptance of them. In agreeing to the commutation, we are bound to infer that the officers understood and believed they were to receive what they had consented to regard as an equivalent for the valuable lien which they had on the public faith, for the provision of half-pay under the resolution of 1780; and such were undoubtedly the inducements held out to them by the Government. That the certificates which were issued as a compliance with the resolution, were of comparatively trifling value; and that, in most instances, the officers parted with them for sums infinitely less than their nominal amount, are matters of public notoriety. It is immaterial whether the depreciation was owing to inability, or want of due exertions on the part of the Government to provide such securities for their payment as would keep the certificates at their par value in the market. It is sufficient that it was not attributable to causes within the control of those who held them; and whatever may be the rule of law or morals that would govern an individual in a similar case, it is not for the Government, under such peculiar circumstances, to say that the holders parted with them voluntarily, and

that they might have retained them until they were restored to their nominal value. In determining the rule of equity that ought to govern in such a case, a due consideration should be had to the situation and condition of the parties. Did the officers agree to accept the commutation voluntarily?

Influenced by the same feelings of patriotism that originally induced them to take up arms in defence of the liberties of the country, when the object was attained, they consented to lay them down and disperse. They thus abandoned the power which they certainly had, of controlling the operations of the Government, and compelling a redress of their individual grievances—a power to the exercise of which they were excited by the most powerful motives—and in refraining from the use of it, they gave an evidence of pure and holy devotion to the liberty and happiness of their country, which is without a parallel in the history of former ages. The Government was thus left secure in its power to act as circumstances or policy might dictate. The honorable chairman of the committee (Mr. HEMPHILL) has remarked that no censure is due to the Government in this transaction. I confess, sir, that on a critical examination of the whole affair, my mind had almost arrived at a different conclusion. The resolution of 1788 would almost seem to have been drawn in anticipation of such a state of things. I will not say that it was the work of a crafty politician—but I will say, that the terms of it were calculated most effectually to mislead the judgments of the class of men on whom it was intended to operate. The promise was, to pay in money or securities, at the option of Government. The resolution was passed in March; the agreement to accept the commutation made the Summer following—I repeat, sir, the agreement to accept the commutation—the certificates were issued the Winter following. It is a matter of demonstration by well-ascertained rules of calculation, that the amount thus offered, even if paid in its best terms, was not a fair equivalent for the right which the officers relinquished.

TUESDAY, April 25.

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The House, on motion of Mr. HEMPHILL, resolved itself into a Committee of the Whole, Mr. WEBSTER in the chair, on the bill "for the relief of the surviving officers of the army of the Revolution."

Mr. DRAYTON addressed the committee.

The object of this bill, said Mr. D., is to provide a compensation for a loss which the surviving officers of the Revolution have sustained in consequence of their not receiving what they were entitled to. The question to be resolved is, What were they entitled to? And the solution to this question will be afforded by a brief statement of the facts.

The honorable chairman of the committee,

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in explaining and enforcing the case of the claimants, was under the necessity of referring to a number of documents, letters, and resolutions of Congress; and also to enter into a variety of details and arithmetical calculations, which unavoidably rendered his statements long, and apparently complicated. From these causes, although his statement was clear and satisfactory, the points which should, exclusively, regulate our judgments, may have escaped some of the members of the committee. I shall, therefore, endeavor, in the remarks which I propose making, to confine myself to so much of the case of the claimants as is necessary to a perfect understanding of the grounds upon which it stands; and I feel assured, if its merits are perfectly understood, that a majority of the committee will be in favor of the bill which has been reported.

On the 21st October, 1780, Congress resolved that "half pay for life should be granted to the officers in the army of the United States, who shall continue in service to the end of the war."

On the 21st March, 1783, Congress passed a resolution, "that five years' full pay should be given to the officers, in money, or in securities, bearing an interest of six per centum per annum, as should be most convenient to Congress."

In November, 1783, certificates were delivered to the officers for arrears of pay, and for an amount equal to five years' full pay; but, when these certificates were delivered, no provision was made for the payment of the principal or the interest, nor was any interest ever paid upon them.

In 1791, when the funding system of the United States, after the Federal Constitution, came into operation, new certificates were delivered to the officers; but the arrears of interest due to them were funded at three per cent, instead of six, and the payment of one-third of the principal was deferred for ten years, without any interest. Such is the whole statement of facts necessary for the understanding of the nature and extent of the rights of the claimants.

From this statement, I think it is evident that the resolution of Congress, in 1780, was a conditional contract, which became perfect upon a compliance with the condition contained in it. The officers, by serving until the end of the war, did comply with that condition; having done so, under an executed contract for a full consideration, they were entitled to a compliance with its terms. If their case rested here, no doubt could exist as to the strict legality of their claim; but, as they accepted a substitution for this contract by acquiescing in the resolution of March, 1783, they would appear to be bound by this substitution. If, nevertheless, the circumstances under which they accepted, be taken into consideration, in equity and justice they ought not to be regarded as bound by it. The officers had recently

left the army: they were in a state of utter destitution: delay in obtaining their dues presented to them the spectacle of ruin, and the prospect of speedy relief operated upon them with a force not to be resisted. Under these excitements, they could hardly be said to have been capable of exercising their judgments. When individuals have entered into bargains in similar situations, it is the ordinary practice of a Court of Equity to afford relief, and not to hold them bound under such contracts. But admitting these contracts to have been obligatory upon the officers, they were unquestionably entitled to a strict compliance with their terms: they were entitled to receive either money or securities, bearing an interest of six per cent., which interest ought to have been annually paid. No other meaning can fairly be annexed to the resolution of 1783, than that, under it, either money would be paid, or, that what was equivalent to money would be delivered. Money would have yielded an annual interest of six per cent., consequently, the securities given in lieu of money, to have been equivalent to money, should have carried an interest of six per cent., and that interest should have been annually discharged; but no interest was paid at all. Not receiving any part, either of principal or interest, most of the claimants, to relieve their pressing wants, were compelled to sell their certificates, and did not, upon an average, obtain more for them than about one dollar for eight dollars. But what was the condition of those who retained their certificates until 1791, when they were funded? Upon the certificates for interest due, no more than three per cent. was allowed, and the payment of one-third of the principal, without any interest, was postponed for ten years. By these proceedings, did the officers receive what they were entitled to? The departure from the intent and meaning of the resolution of 1783, is so obvious, that no comment or argument could render it plainer. I shall therefore resort to none.

Under these circumstances, is it not undeniable that the Government did not comply with their contract? Is it not a consequence, equally undeniable, that the Government is bound to make good any loss which has accrued to those whom they have injured by failing to perform their contract? Both these questions must be answered in the affirmative. Can any fact be more evident, then, than that the claimants are entitled to relief?

Mr. KIDDER followed on the same side of the question.

After a few remarks from Mr. BASSETT, in opposition to the bill, the question was put on filling the blank, which contains the appropriation, with one million of dollars, and decided in the affirmative—ayes 77, noes 48.

Mr. SPRAGUE addressed the committee as follows:

Mr. Chairman: Sufficient, perhaps, has already been said in behalf of the officers of the

Revolution. I propose to say something for the *soldiers* also. I am in favor of the amendment which has just been offered by the gentleman from Massachusetts, (Mr. REED.) I believe that the soldiers of the Revolution have a just claim upon us for a much larger amount than any that has been proposed to be given to them. We owe them a just debt, and it arises from our violations of our engagements to them.

In the first place, as to their wages. We were bound to have paid them in money. This we did not do; but delivered them merely paper, or certificates of debt, which were not money; they were not the measure of value: but their own value fluctuated, according to the varying opinions of the times. They were an article of trade in the market, and, like every other kind of merchandise, their real value was their market price; which was from an eighth to a tenth of their nominal amount. The soldier, then, was compelled to receive an article at eight or ten times its real worth, so that, in fact, he obtained, at most, but an eighth part of his wages. I say, at most; at times, indeed, it was far less. The gravest of our historians has told us, that, at one time, such was the depreciation, that the pay of a captain would not have furnished the shoes in which he marched against the enemy; and many expended their little all in supplying themselves with the humble accommodations which their stations required. We have thus paid to the soldiers but a small fraction of their wages. Our country was in the condition of an insolvent debtor, and made but a small dividend among its creditors. Why should we not now, when we have the abundant means, make payment of the residue? It has been said that we should pay nothing now, because it has cost the United States the full nominal amount, as the Government eventually redeemed the paper. If it were so, what matters that to the soldier? If a creditor is offered an article at ten times its value, in discharge of his demand, is it of any consequence to tell him how much it cost the debtor? Suppose we had compelled the soldier to take any other specific article at such an enhanced price, and he had remonstrated against being thus defrauded, would it be any answer to say to him, "We purchased the article on credit, and our credit was so bad, that it cost us much more than it was worth?"

Sir, that which we did deliver, in payment, rested wholly upon our credit. If that credit was so defective that it cost us ten times its real value, is the whole loss to be thrown upon the soldier? Was it his fault that we did not discharge our duty, and sustain our credit?

But again, it is objected, if he had retained the paper long enough, he might have obtained full payment. That is, if he had kept the article on hand for a series of years, it might have risen in value. And what if it had? Does not every one know, that the price which a thing bears, when it is received in payment, determines the amount of the debt thereby dis-

charged, and that its subsequent rise or depression, cannot increase or diminish it? And, besides this, are we to say to the poor soldier, who expended his last farthing in our defence, who could not even reach his home without charity, and was compelled to part with his certificate to save himself and his children from starvation—shall we say to him, you ought to have kept your paper ten long years, and then you might have obtained the full amount? It is but a mockery of his wrongs to tell him—if you had done what was impossible, you might have been paid. I will not pause to estimate the amount of loss sustained by depreciation, because the reflection of a moment must satisfy every one that it very far exceeds the sum named in the bill and the amendment.

But, sir, independently of the depreciation, we have never yet paid the full amount of the paper or certificates which we compelled the soldier to receive. It is well known that, in the funding of the public debt, which took place nearly ten years after the close of the war, and more than ten years after much of the debt was contracted, the interest was not paid, but funded on interest of three per cent. payable at the pleasure of the Government. The principal was not paid; but two-thirds was funded at an interest of six per cent., and interest on the other third was deferred for ten years. From this statement merely, the loss of the creditor does not appear to be great; but in order to exhibit it truly, let us take an example, and compute the loss sustained by the holder of paper for one thousand dollars. The simple interest for ten years, was six hundred dollars, which was funded at three per cent. Such was the pressure of the times, and the high rate of interest, at that period, that it has been estimated that the amount thus funded, was worth but fifty per cent. To be within bounds, suppose the difference to be one-third, then the six hundred dollars thus funded, was worth but four hundred dollars, and the loss was two hundred dollars.

One-third of the principal bore no interest for ten years. Simple interest for that time, on one-third of a thousand dollars, amounted to two hundred dollars more, making the loss four hundred dollars. Simple interest upon this sum, for thirty years, exceeds seven hundred dollars, which, added to the four hundred, makes the loss which the holder of paper, to the amount of one thousand dollars, has suffered, by the mode and time of payment adopted by the Government, to exceed eleven hundred dollars; so that the sum which we withheld, out of that which we had solemnly promised, in writing, with simple interest only, is now more than the original amount of the debt.

Again, sir: the soldier had a right to demand money of us; and that, too, at a time when he was in the utmost distress for it. If we could not pay it, we should, at least, have put the debt on interest, payable quarterly, as a fund

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debt from the beginning. This we could have done; and as we did not, we are now bound to place him in as good condition as he would have been in if we had performed our duty. And, if we had paid interest quarterly, could he not have realized as much as interest compounded, annually? Would not every honorable man pay so much to an individual whom he had thus wronged? And if gentlemen will make the computation by this rule, they will find that we should now pay more than three thousand dollars to every one who was an original creditor to the amount of one thousand! A startling amount truly! Gentlemen, however, need not be alarmed; they are not asked for such a sum, nor any thing like it. Only a small part, even of the simple interest, is now requested. But I thought it not amiss to suggest to them how much might be demanded, upon principles which it would be difficult, in fairness, to contest. So much for the loss to our creditor. Was there not a corresponding gain to ourselves? I know it has been said, that we paid and redeemed our paper. But, sir, it is a matter of history, that, by the mode of payment, as it has been called, or rather, by the non-payment of our domestic debt, we saved the full amount of thirteen millions of dollars out of the sum which we had expressly promised—out of the face of our bond! If this sum had been paid or funded, then we must have paid interest upon it until the present time; for we have never yet been out of debt; and our national finances are now in a better condition, by at least fifty millions of dollars, than they would have been if we had fully paid our domestic debt. We have, then, in our hands, fifty millions of dollars which belong to our creditors, and which sum we have no right to retain, if they come forward to claim it. And now the most meritorious of those creditors ask for less than one year's interest of that sum, and yet we are told that we ought to reject their demand.

The soldiers of the Revolution might present still further claims upon us. When we enlisted them into our service, we entered into other engagements with them besides the payment of their wages. We bound ourselves to furnish them suitable food, clothing, tents, and medicines, and all the necessities of a soldier's life. How was this stipulation fulfilled? Let our history, let Washington himself answer this question. How often, and how feelingly do they repeat and reiterate the wants and sufferings of the army, through our violation of our engagements! They declare that "actual famine" existed in the army; that the soldiers "had been half the time without provisions," and had "no magazines, nor money to form them;" that they "were bereft of every hope from the Commissaries; and, at one time, the soldiers ate every kind of horse food but hay, and were perpetually on the point of starving." As to clothes, they declare, that "neither the bodies nor feet of the soldiers were protected,

from the frosts and cold of the inclement season; and, after being exposed through the day to the rigors of Winter, night brought no relief;" that "they were without clothes and without blankets, and at one time, amid the frosts of Winter, nearly three thousand men were bare-foot in camp, besides the number confined to the hospitals for want of shoes." And Washington describes their distress in these emphatic words: "Our sick, naked! our well, naked! our unfortunate men in captivity, naked!"

Such, we are told by the highest authorities, was the lamentable deficiency of the primary articles of food and clothing; and that, as to all minor necessities, they were almost unknown. They tell you that, in every department, the utmost distress prevailed, and that many, very many, sunk under their accumulated hardships; that, from incessant toil, from insufficient and unwholesome food, from want of vegetables, want of tents, and want of clothes, great sickness prevailed; the hospitals were crowded, and the medical department being unprovided, great mortality followed, and unusual numbers were carried from the hospitals to the grave. Do not sufferings like these deserve some consideration? Will not the merest niggard of justice, calculating only dollars and cents, admit that they have a right to demand from us the value of the food and clothing, and other necessities, which we wrongfully withheld? And will not every mind, imbued with sentiments of moral right, spontaneously declare with Washington, that compensation ought also to be made to them for the tortures we inflicted, by our neglect, and violation of our duty? The amount I will not attempt to estimate. Let gentlemen recur to our Revolutionary struggle, and consult their own hearts and their own judgments, and then say what is due to the soldier, who, feeble, and sinking for want of food and sustenance, marched, during the day, through snow and ice, on naked feet, exposed unclad to the Winter's cold, with no resting-place at night but the earth, and no covering but the skies: passing through sufferings which human nature could not sustain unbroken; and falling a prey to pestilence, more deadly and far more terrific than the sword of the enemy. Cheerfully did he face the cannon's mouth, and dare a soldier's death on the field of honor; but what rewards, in your power to bestow, would have purchased his consent to meet all the loathsome forms of disease; to breathe the hospital's nauseous contagions, or the corruption of a prison ship, and linger through protracted tortures, unheeded and unknown, towards an inglorious death? Let him who has felt the withering hand of disease, say what atonement we should make, for causing horrors like these.

I have thus, sir, endeavored to state the grounds upon which I contend that injustice has been done to the soldiers of the Revolution. In the first place, making payment of their



wages in depreciated paper. Secondly, withholding a part even of the nominal amount, which we had promised. And, thirdly, other breaches of contract, on our part, causing peculiar privations and sufferings to them.

And now I would ask, sir, who are the men whom we have thus grievously wronged? Are they mere hirelings, to whom we should be content to weigh out justice by the grain and scruple, or are they our greatest earthly benefactors? They were actuated by higher and purer motives than any soldiers that ever assembled, and exhibited a spectacle of unyielding fortitude, and self-denying magnanimity, unequalled in the annals of mankind. Others, under a momentary enthusiasm, or in the hurrying fever of battle, have fought as desperately. Others, when far from succor and from their country, have endured and persevered for individual self-preservation. But where, in all history, is an example of a soldiery, with no power to control them, who, in a single day, perhaps, could have reached their homes in safety, voluntarily continuing to endure such protracted miseries, from no motive but inward principle and a sense of duty? They were imbued with a loftier and more expanded spirit of patriotism and philanthropy, and achieved more for the happiness of their country, and of mankind, than any army that ever existed. And where is there an example of moral sublimity, equal to their last act of self-devotion, after peace and independence had been conquered? That army, who had dared the power and humbled the pride of Britain, and wrested a nation from her grasp; that army, with swords in their hands, need not have sued and begged for justice. They could have righted their own wrongs, and meted out their own rewards. The country was prostrate before them; and if they had raised their arms, and proclaimed themselves sovereign, where was the power that could have resisted their sway? They were not unconscious of their strength, nor did they want incitements to use it.

The author of the celebrated Newburg letters told them, your country disdains your cries, and tramples upon your distresses. He conjured them, in the most eloquent and energetic language, to exert the power which they held, and never lay down their arms until ample justice had been obtained. He warned them, if once disarmed and dispersed, your voice will sink; your remonstrances will be unheard; you will grow old in poverty, and wade through the vile mire of dependency. What was their answer, when thus urged and thus tempted? With one voice they spurned the dark suggestions, voluntarily surrendered their arms, and submitted themselves unconditionally to the civil power. It was then that their illustrious commander said, in the words read by the gentleman from Pennsylvania yesterday, "Had this day been wanting, the world had never seen the last stage of perfection which human nature is capable of attaining."

They quietly dispersed and parted for their homes, in every part of your wide domain, unrewarded, penniless, carrying with them nothing but the proud consciousness of the purity and dignity of their conduct, and a firm reliance upon their country's honor and their country's faith. And what return has been made to them? Have they not found your high-blown honor a painted bubble, and your plighted faith a broken reed? Have not those dark predictions of your ingratitude, which you then indignantly repelled, as slanders foul and base, at which you were ready to exclaim, "is thy servant a dog, that he should do this thing?"—have they not been too much realized? Have not the petitions of the soldiers of the Revolution been disregarded? Have they not grown old in poverty? Do they not now owe the miserable remnant of their lives to charity? Sir, if we change not our conduct towards them, it must crimson with shame the front of history.

Mr. EVERETT addressed the committee as follows:

Mr. Chairman: If I consulted only my inclination, I should certainly leave the cause of the Revolutionary officers in the powerful and eloquent advocacy of my honorable friend (Mr. SPRAGUE) who has just taken his seat. I should be desirous of avoiding the appearance of attempting to say over again, what he has so happily and so forcibly urged in their behalf. It is, however, a subject on which my sense of duty will not allow me to give a silent vote; and I must therefore ask the indulgence of the committee, while I endeavor, very cursorily, to answer some of the objections which have been urged to the passage of the bill, and while I briefly state some of the reasons for which I shall vote for the bill, and for the amendment of my honorable colleague, (Mr. REED.)

It has been objected, sir, to the claim of the Revolutionary officers, that it is one, not of justice, but of gratitude. This description of the claim does not, I confess, carry a very distinct idea to my mind. I understand what would be meant by saying, that it is a claim, not on our justice, but our generosity. This might be said of a claim founded on services not entitled to compensation, but presenting a fair occasion for the exercise of liberality. But a claim on our gratitude must surely be founded on real and important services. These services must, of course, create a claim also on our justice, which can only be discharged by full and ample compensation. That, certainly, has never been done in the case of the Revolutionary officers; and if their claim is, therefore, as is admitted, a claim on our gratitude, it is, for the same reason, a claim on our justice.

The respected gentleman from North Carolina, (Mr. ALSTON,) said that he was one of those who, when an account had been paid, wished to have it closed, and hear no more about it. So am I, sir, but not till it has been paid. I am

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one of those who will not agree to an account's being closed, till it is paid, whether I stand in the relation of a creditor or a debtor. If I am the debtor, it shall not be closed till I have paid the uttermost farthing, which nothing but inevitable necessity shall prevent my doing. If I am the creditor, it shall not be closed till it is paid, unless my debtor be unable to discharge it; and then, if he is poorer than I, I will forgive the debt.

Sir, how was this account paid, which the gentleman wishes to consider as closed? It was paid after a total bankruptcy of the country. I do not reproach her necessities; God forbid! But I say, that, when the country settled with the Army of the Revolution, she was insolvent, she was bankrupt: she made a paltry dividend, 2s. 6d. in the pound. Now we have grown rich; we are rolling in wealth; our old creditor, in the extremity of age, and often in want, comes and asks for a little relief out of our abundance. We tell him we paid him forty years ago; that we have his discharge in our pocket, and bid him begone. The gentleman said, when an account was settled and paid, he wished to hear no more about it. Sir, I want to hear one thing more about it—that it was fully paid and fairly settled.

Mr. Chairman, it is objected to the passage of this bill, that some of those, for whom it provides relief, remained in possession of their certificates of final settlement, until they rose to the par value, or even above it. If I thought that any considerable number of the surviving officers of the Revolution were in this situation, I do not know that I should be unwilling to introduce such provisos and limitations into the bill, as would exclude such persons from participating in its benefits.

But, sir, I do not suppose that any gentleman who hears me, believes that the number of the officers of the Revolution who were thus able to reserve their certificates, and fund them at par, can be so considerable as to make it important to take their case into special consideration. Be they few or many, I am not prepared to allow, that even they ought, as a matter of justice, to be shut out from the provisions of the bill. They were entitled to money or available securities. You gave them no money, and securities worth but an eighth of their nominal value. They had, perhaps, a pittance which enabled them to live from day to day, without sacrificing their certificates at the market value. These they reserved, not knowing that they would eventually be worth the paper on which they were printed. They speculated in their own funds, not voluntarily, but by compulsion; and I cannot think that their having done so, unquestionably in a very few cases, of which it does not appear that any one is among those now presented to our consideration, ought to form a reason for excluding them, far less all the other surviving officers, from the benefits contemplated by this bill.

It has been made an objection to this bill, that it tends to enlarge the pension system of the United States. Sir, nothing is more

decidedly in opposition to a Republican policy, not merely than the enlargement of a pension system, but than the existence of any thing which could be properly called by that name. But let us not be misled by a word, particularly in this case, in which a word, rendered odious by its abuses in other countries, is to be applied to objects in this country, of a nature totally dissimilar. My honorable friend (Mr. SPRAGUE) has already alluded to the definition given of a pension by the great English lexicographer, who unluckily found himself before long in the situation of a pensioner. Permit me again to draw the attention of the committee to this memorable definition. "Pension—an allowance made to any one without an equivalent. In England, it is generally understood to mean pay given to a State hireling for treason to his country."

Sir, I will drop the latter part of this definition, where the feelings of the partisan appear to have disturbed the judgment of the critic. I will take only the part of the definition intended to be exact: "An allowance made without an equivalent." Without an equivalent! And is this the character we are going to give to the frugal allowance proposed for those who led the Armies of the Revolution? Pensioner! Does any honorable man affect to give that name to one who, in his employment, exerts his talents, and spends his life zealously, faithfully, indefatigably? Is the fair compensation for services rendered, to be called by the odious name of a pension? Sir, pass this bill, adopt the amendment of my honorable colleague, (Mr. REED,) give the survivors of the Revolution all they ask, and ten times more than they ask, and which generation will still be in arrears; we to our fathers, or they to us? which will have done the most for the other; they, in achieving by their toils and blood, the independence we enjoy, or we in solacing their age by these poor gratuities? which generation is dependent on the bounty of the other? which is the pensioner of the other?

Sir, it is said that other classes suffered as much as those for whom relief is now asked; that the distress and privation were general, and that the Army bore no more than its share in the common calamities. There was suffering enough on all sides, Heaven knows, and it fell, it is true, not less on the citizen at home, than on the soldier in the camp. But the Army, in suffering as such, was not exempt from its share of the general calamity. They did not cast off the character and relations of citizens. No, sir, while they were suffering all the hardships of the camp and of the field, they were also suffering in all their interests at home, in common with the rest of the community. Sir, the wealth, or rather let me say, the frugal competence of the great mass of the citizens of the United States, then as now, consisted in the labor of the citizen's own hand, applied to the cultivation of a little farm, or the management of some other small property.

Such unquestionably was the case with those for whom relief is provided by this bill. They belonged to a class of society whose personal attendance, labor, and care, are their chief property. What brings the most grievous distress on such a class of society? Not the fluctuations and obstructions of the market; not the failure of crops of great staple products, which do not depend upon the presence or absence of an opulent proprietor. No, sir, the citizens of this class are most distressed when an industrious member is called away from the little circle; when an active son or brother is lost to the aged father or helpless sisters, who depend on his aid to carry on the frugal operations of that domestic industry, which is necessary to the common subsistence and comfort. The absence from home of those most needed, in this way, was the chief cause of that general wreck of small fortunes, which was one great feature of the universal distress. I myself, sir, know families, from which, not one alone, but two, and even three, who were most wanted at home, were yielded to the common cause; from which, when Joseph was not, and Simeon was not, the voice of a bleeding country called Benjamin away also. And however great the sacrifice, the call was obeyed, as is well known from many a touching anecdote of those eventful times. Let me quote but one from the memorials of that day on which the first blood of the Revolution was shed in that district of which I am the humble representative: "The day that the report of this affair reached Barnstable, a company of militia immediately assembled and marched off to Cambridge. In the front rank there was a young man, the son of a respectable father, his only child. In marching from the village, as they passed his house, he came out to meet them. There was a momentary halt. The drum and fife paused for an instant. The father, suppressing a strong and evident emotion, said, 'God be with you all, my friends! and John, if you, my son, are called into battle, take care that you behave like a man, or else let me never see your face again.'"

Yes, sir, the spirit of the day was equal to its trials; but let us not talk of the soldier as exempt in any degree from the common suffering of the citizen: when the fact, that he was absent from home in the Army, might be the heaviest blow to the prosperity of his family, and to his own prosperity as a member of it. It deserves also to be recollected, that the sufferings of the country, after the close of the war, were probably more severe, on the whole, than during its continuance. The burdens of the war were then consolidated on society; a considerable source of wealth, the expenditure of the foreign troops, was dried up; the ardor of the contest was gone, and ruin came home to almost every door. Tradition can tell us of instances where the farmer's oxen were unyoked by the tax-gatherer from the plough. Such was

the state of things which drove a portion of the citizens of my own State to madness; such was the condition of the homes to which those, who had borne the hardships and perils of the war, too often returned. Let us not then imagine, sir, that the army, in the midst of its peculiar privations, was, in the least degree, spared from its portion of general calamity.

It is said, that the relief which this bill provides for the surviving officers of the Revolution, is a premium on old age. Sir, that expression sounds harshly to my ear. The term premium, when thus used, reminds me of those measures in political economy which are resorted to, in order to stimulate production. We say that heavy duties on foreign fabrics are a premium on domestic manufactures—that injudicious alms-giving is a premium on pauperism. The provisions of this bill are not to have the effect of multiplying the numbers of the aged and venerable persons to whom it looks. Sir, they are dropping fast into the grave; your bounty will come too late to produce that effect upon them, which, at an earlier stage, might have enabled them to bid defiance to the various foes of life. The most it can do will be to soothe their decline. At all events, it will not increase their number; and considering who they are, I would rather call it a solace and a comfort, than a premium for old age.

I am sorry, sir, that we cannot go further at this time; that in making provision for the surviving veteran, we cannot also make provision for the widow and children of those who are deceased. Nothing but the well-settled conviction, that the bill, as already proposed to be amended by my colleague, is the best bill which can be carried through the House, reconciles me to omit from it the amendment, suggested yesterday by another honorable colleague and friend, (Mr. DWIGHT.) But, sir, we must be contented to do what good we can, and not refuse to do any good, because we cannot do all good. The case of the survivors is a case by itself; it has been investigated; their number is nearly ascertained; and the appropriation proposed is calculated to afford a certain relief to those who share it. Whensoever the case of the widows and children shall, by any honorable gentleman, be proposed to Congress in such a manner that we can also act with discretion upon it, it shall not want my feeble aid.

But, sir, we have a national debt to be paid off. The topic, in one view of it, was treated with great ability, by my friend from Maine; and it was also very pertinently observed by the honorable Chairman of the committee, (Mr. HEMPHILL,) in the able argument with which he introduced its discussion, that the provisions of the bill, if carried into effect, would not delay the payment of the national debt more than sixty or ninety days. This national debt is a standing theme. I do not remember a debate or a question of appropriation, this season, not even on poor Mrs. Denney's pension, in which the payment of the national debt has not been

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recommended to our anxious consideration. On this subject, therefore, I will ask to be pardoned a word. I know, sir, it is a sound Republican maxim, to pay off the national debt. I am no believer in the proposition, that a national debt is a national blessing. It is in the spirit of our institutions, that the Government should stand in as few and simple relations as possible to the people; that there should be as little Government as possible; that the people should do as much as possible for themselves. It is a violation of these sound doctrines, that Government should stand towards a portion of the citizens in a perpetuated relation of debtorship to a vast amount. For this reason, it is desirable to pay off the debt. But as a financial operation, to relieve or disembarass the people, it is, in my present view of the subject, little better than a farce; almost as much so as the operations of the English sinking fund were at a time when vast loans were annually made; in other words, when the money was borrowed to place in the hands of the commissioners. Sir, you pay off five millions of the national debt, we will suppose, this year. What is gained by so doing? You are relieved, it will be answered, from the necessity of paying the interest on five millions of dollars. Granted: but where do you get five millions, by which you pay off so much of the debt? You take it, of course, by taxation, direct or indirect, from the pockets of the people. In other words, you deprive them of it, and the interest on it, forever. What, then, have you gained by the operation? You have taken a sum of money out of one pocket, and put it into the other. I said this grave procedure was almost a farce. In its direct operation, it is; in its remote results, it is a great loss to the country. The debt is now about eighty millions. Twenty-five years hence, our population will be doubled; our wealth, no doubt, much more than doubled, but, to be within bounds, let us say it will be doubled. A nominal debt of eighty millions, twenty-five years hence, will be no more burdensome than one of forty millions now. In other words, time, and the happy progress of the country, would of themselves reduce the debt, if you would leave the thing to their silent operation, as fast, perhaps, as the public welfare demands. By hastening to pay the debt, we therefore increase the country's burden. No member of this committee will doubt that, if the debt were not redeemable, it could be funded at four per cent. This would be of itself paying near twenty millions out of the eighty; this would be a gain indeed. But, no, Mr. Chairman, we insist upon paying it off now at six per cent. However, sir, I do not wish to pursue this subject. I am content to have suggested a reason, why the national debt may be left to be considered at the proper time, when the reports of the Committee of Ways and Means are before the House. I will only add, that there is no analogy between the national debt and debt between man and man. The national debt is the evidence of a

capital consumed in the public service. No operation of finance can restore what has thus been destroyed. If the objects for which this capital was consumed were good, the expenditure was wise and proper; if not, it was improvident; but the paying, or leaving it unpaid, in no degree affects the wealth of the nation, except as I have already represented it; and ought not, therefore, ever to come into consideration, to prevent our making further expenditure for necessary or laudable objects.

There is one consideration, Mr. Chairman, which, as often as I have revolved this subject in my mind, has seemed to call upon us, for very shame, to do something for these men. It is this, that liberal provision has been, and continues to be made, by the English Government, for those who, in that country, are called American loyalists—in this country, refugees and tories. Sir, I have myself seen the contrast to which I allude; I have seen the declining days of a person, who had filled a very subordinate post in the public service before the year 1775, made comfortable by the liberal provision of the British Government. Yes, sir, I have seen the imperial arm of her charity stretched out across the Atlantic, to support him in the winter of life, while the veteran of the Revolution was absolutely suffering, in the same neighborhood, for the want of such relief as this bill would afford. Gentlemen all know, that the provision for the American loyalists still forms an item in the annual budget in Great Britain; that a portion of the bounty is dispensed in this country; while, even in his amendment, my worthy colleague has thought it necessary to make residence in the United States a condition of receiving this late and poor provision. I do not object to this practically, I presume it will deprive no one of what he would otherwise receive; but I would willingly have emulated the bounty which knows how to pursue its rightful objects to the end of the earth.

Consider, for a moment, the amount of the expenditure for the military service of the year on our present establishment. The entire annual cost of the military defence of the country, including, indeed, the expensive articles of fortifications and engineering, is five millions of dollars. Sir, I make no unfriendly reflections on any part of this expenditure, either for the permanent and durable objects, or for the annual service of the military force of the country. I voted, carefully, for the whole appropriation. But I pray you, sir, remember that, at the rate of five millions per annum, we have paid, since the year 1817, forty millions of dollars; while the entire war debt of the Revolution—the whole debt for military and naval, domestic and foreign service, was but forty-two millions, as estimated in 1788. While, then, in eight years of these piping times of peace, we pay, for the various objects of military expenditure, an amount nearly equal to the whole war debt of the Revolution, can it be said that we ought

not, or cannot, make this poor appropriation, to pay a part of that unliquidated debt of honor and justice, which is now urged upon us? Can we, sir, but three months after voting these great appropriation bills for the military expenditure of a season of profound peace, can we turn from our door the scarred and gray-haired veteran of the war, which gave being to our nation? Sir, I cast no imputation on our Army, or its Officers. They do all that can be done in time of peace; as some of them, in our last struggle, did all that could be done by gallant men, in time of war; but I know they themselves would be the last to say, that they deserved an earlier and prompter provision, than the heroes of the Revolution.

Sir, if this act of grateful justice is ever to be performed, now is the time for its performance. The present year completes the half century since the Declaration of Independence; and most devoutly do I hope, that, when the silver trumpet of our political jubilee sounds, it may be with a note of comfort and joy to the withered heart of the war-worn veteran of the Revolution. Our tardy provision will, indeed, come too late to help him through the hard journey of life; it will not come too late to alleviate the sorrows of age, and smooth the pillow of decline. Sir, it is the fiftieth year of our Independence. How much we shall read, how much we shall hear, how much, perhaps, we shall say this year, about the glorious exploits of our fathers, and the debt of gratitude we owe them. I do not wish this to be all talk. I want to do something. I want a substantial tribute to be paid them. Praise, sir, is sweet music, both to old and young; but I honestly confess that my mind relucts and revolts, by anticipation, at the thought of the compliments with which we are going to fill the ears of these poor veterans, while we leave their pockets empty, and their backs cold. If we cast out this bill, I do hope that some member of this House, possessing an influence to which I cannot aspire, will introduce another, to make it penal to say a word on the fourth of July, about the debt of gratitude which we owe to the heroes of the Revolution. Let the day and the topic pass in decent silence. I hate all gag-laws; but there is one thing I am willing to gag—the vaporing tongue of a bankrupt, who has grown rich, and talks sentiment, about the obligation he feels to his needy creditor, whom he paid off at 2s. 6d. in the pound.

Mr. ALSTON made some explanations, in reply to Mr. EVERETT, when the question was taken on filling the blank in the amendment with “twelve hundred thousand dollars,” and carried—ayes 81, nays 89.

Mr. WARD then offered the following, to be added as a sixth section:

“Sec. 6. *And be it further enacted*, That each survivor in the militia, during the Revolutionary war, being now a resident of the United States, for the period of nine months in one term of service, shall, if a commissioned officer, receive twenty dollars per month; and, if he served in any other ca-

capacity, shall receive eight dollars per month, during his life.”

Mr. COCKE now suggested to Mr. WARD to modify this section, by inserting “three,” instead of “nine” months.

Mr. WARD accepted the modification, and the question being put on the section, as thus amended, it was adopted—yeas 66, nays 57.

Mr. MARTIN, expressing a desire to address the committee, but referring to the lateness of the hour, (it was now half-past four o'clock,) moved that the committee rise.

After a desultory conversation, the motion prevailed, and the committee rose.

Mr. BUCHANAN then moved to discharge the Committee of the Whole from the further consideration of the “bill for the relief of the Revolutionary officers,” with a view that its farther consideration might be conducted in the House.

Before any decision was had,  
The House adjourned.

WEDNESDAY, April 26.

*The New Creek Treaty.*

The following Message was received from the President of the United States:

*To the Senate and House of Representatives of the United States:*

WASHINGTON, 25th April, 1826.

I now transmit to both Houses of Congress, copies of a treaty with the Creek nation of Indians, concluded on the 24th day of January last, with a supplementary article, signed on the 31st of last month, which have been, with the advice and consent of the Senate, duly ratified. I send, at the same time, copies of the treaty superseded by them, signed at the Indian Springs, on the 12th of February, 1825. The treaty and supplementary article, now ratified, will require the aid of the Legislature for carrying them into effect. And I subjoin a letter from the Secretary of War, proposing an additional appropriation for the purpose of facilitating the removal of that portion of the Creek nation which may be disposed to remove west of the Mississippi; recommending the whole subject to the favorable consideration of Congress.

JOHN QUINCY ADAMS.

DEPARTMENT OF WAR, April 24, 1826.

SIR: I have the honor to represent, that, from information lately received, a further sum of twenty thousand dollars, over and above that provided for in the 9th article of the late treaty with the Creeks, judiciously applied in indemnifying emigrants for their improvements in the unceded part of their Territory, as well within the limits of Alabama as of Georgia, (should indeed any portion of their land be found within the latter State in this predicament,) will tend to increase the number of emigrants, and thereby, to the extent of its influence, to promote the general policy of the United States, and I submit to you the propriety of communicating this subject to the consideration of Congress.

I have the honor to be, your obedient servant,  
JAMES BARBOUR.  
*The President of the United States.*

APRIL, 1826.]

*School Lands.*

[H. OF R.]

*School Lands.*

The House then took up the bill "to appropriate lands for the support of schools in certain townships, and fractional townships, not before provided."

This bill had been before a Committee of the Whole; and the question now being on ordering the bill to be engrossed for a third reading—

Mr. VINTON said, one word of explanation might be necessary to enable the House to understand the object of the bill. The ordinance of the 20th of May, 1785, which is the basis of the land system, had made provision for the support of schools, in the territory owned by the United States, and directed one thirty-sixth part, or one section of land, being section No. 16, to be reserved and set apart for the support of schools within each township. It was the evident intention of that law to make a general provision for the support of schools, in the whole country owned by the United States; and constitutes one of the inducements of the settler to buy of the Government. Owing, however, to the manner in which the public lands are surveyed, this inducement is not always held out to the emigrant, and the intention of the ordinance is thus partially defeated. The public surveys are, in general, based on the navigable rivers, such as the Ohio, Mississippi, Missouri, &c.; the consequence of which is, that most of the townships situate upon the rivers are fractional townships, and, in very many of them, by a bend or turn in the river, section No. 16 is cut off, and the township, by this accidental circumstance, deprived of its school land. A denser population is generally found on the margin of these streams, than in any other part of the country, and hence it happens, that, in these fractional townships, where there is a greater necessity for schools than anywhere else, no provision at all has been made for their support. This bill proposes to place these townships upon a footing with the entire townships, by giving to them a quantity of land bearing the same proportion to a whole section of land, that the fractional township bears to a whole township. The bill further proposes to make provision for such entire townships of land as have been heretofore unprovided for. Of these, there are a few that have been granted by Congress without the reservation of a school section—among which, the township of land recently granted to General Lafayette is one, the inhabitants of which will be without any provision for the support of schools. The French grant, in the State of Ohio, is another tract of land in the same situation; to make provision for which, Mr. V. said, he held an amendment in his hand, proposing to appropriate one section and a quarter for the support of schools in that grant.

Mr. V. said it might be proper for him to say, before he sat down, that the bill and

amendment had the entire approbation of the whole Committee on the Public Lands.

[The amendment offered by Mr. VINTON, proposed that a section and a quarter of land be granted for the support of schools in that tract of country usually called the French Grant, in the State of Ohio.]

Mr. COCKE, after some general observations in disapprobation of the facility with which Congress is in the practice of granting away the public lands, and expressive of his doubts of the expediency of this measure, inquired, whether the provisions of this bill came within the compact between the United States and the State of Ohio.

Mr. VINTON said, in reply, that the gentleman from Tennessee had inquired whether the United States were bound by their compact with the State of Ohio, to give school lands to these fractional townships. His answer to the inquiry was, that the bill was not confined to the State of Ohio, but embraced all the Western States wherever the surveys were based upon rivers or other public waters, or where, from any other cause, there might be a fractional township destitute of provision for schools. But, since the gentleman had spoken of the compact between Ohio and the United States, which, under the same terms, has been entered into with the other new States which have been admitted into the Union, he would say, that those fractional townships had a fair right to ask for the benefits of this bill, on the ground, that a compliance with the spirit of the compacts required it at our hands. Section No. 16, in each township, was given by the compacts with those States, in consideration of the promise by those States not to tax the public lands for five years after being sold. Now, sir, the fractional townships, as well as the entire townships, are not subject to the taxing power of the States where situated, until the expiration of that period after sale. The same remark is applicable to grants of land for any purpose lying within these States. They have no power to tax, whether the disposition of the land by the United States be by gift or sale, until five years shall have elapsed. The States having agreed to forego the right of taxation for the benefit of education, the equivalent given ought to be co-extensive with the right surrendered in favor of the United States; which surrender of the taxing right, as already observed, extends to all the lands embraced by the bill, and which ought, therefore, in justice and equity, to receive the benefit of the compact in common with all other lands.

But, Mr. V. said, if these considerations were wanting, he presumed the House would feel no reluctance in making this small appropriation of land for such an object, when we had already, this session, and every other session since he had been a member, given away far greater quantities of land, to men who had no other merit than that of having taken posses-

sion of the public lands, without any claim or shadow of right or authority, and in the face of the law to the contrary. Whereas, the provisions of this bill are intended to promote an object of the highest value and importance.

At this stage of the proceedings on the bill, a motion for adjournment was made and carried.

WEDNESDAY, May 3.

*Case of Mrs. Decatur.*

The House went into Committee of the Whole, Mr. BUCKNER in the chair, on the bill "to compensate Mrs. Susan Decatur, widow and representative of Captain Stephen Decatur, and others."

[The bill provides that — dollars be appropriated as a full compensation and remuneration to Susan Decatur, widow and representative of the late Captain Stephen Decatur, commander, and to the officers and crew, of the schooner *Intrepid*, for the capture and destruction of the frigate *Philadelphia*, before Tripoli; to be divided among the said Susan Decatur, the officers and crew aforesaid, or their representatives, in such manner that each individual shall receive such proportion thereof, according to his grade, as was paid to the captors of the *Guerriere*, *Macedonian*, and *Java*, of the same grade, of the compensation appropriated to them.]

The report of the Committee on Naval Affairs was read, together with sundry documents, relative to this case.

Mr. HOLCOMBE rose, and stated, that he had been authorized by the Committee on Naval Affairs, to move any sum for filling this blank with, which he might think proper. That, after a full examination of the claim, he had determined to propose the sum of one hundred thousand dollars. He, therefore, moved to fill the blank with one hundred thousand dollars; and immediately proceeded to state, to the committee the facts and course of reasoning which had induced him to propose and defend this sum.

Lieut. Decatur could have removed the frigate *Philadelphia* from the harbor of Tripoli, after her re-capture, had not the peremptory orders of Com. Preble to the contrary, prevented him from making the attempt. This conclusion, Mr. H. said, appeared to him irresistible, from a variety of facts: the ship was carried with great gallantry, but without loss; and continued in uninterrupted possession of the captors for half an hour, in which time she was fired in various directions; and was not abandoned until the flames had involved the whole ship, even the rigging and tops, and were seen bursting (to use the language of Lieut. Decatur's report) from the ports and hatchways. Then, but not until the destruction of the ship had been made certain—not, indeed, until she had been placed beyond the reach of contingency to redeem—Lieut. Decatur and

his brave associates boarded their gallant little ketch, (well named the *Intrepid*), and slowly and with much difficulty effected their retreat, by beating out of the harbor. The half hour consumed in destroying the ship was one of great interest. The wind (as Capt. Jones's letter and the pilot's testimony proves) which was entirely favorable (blowing off the shore) at the moment of carrying the frigate, and which continued so for nearly half an hour afterwards, suddenly veered about (such sudden changes are common to that region) and became decisively unfavorable—in fact, a head wind. The enemy, in the mean time, were in a state of perfect bewilderment. Boats filled with seamen and soldiers were seen rowing near the frigate. But not the slightest effort was made either to repulse the assailants, or arrest the retreat of the ketch. Not a gun was fired from the Tripolitan marine, which lay within pistol-shot distance from these vessels; and although the batteries finally opened upon them, their fire was so wild and irregular, as to take effect but in a single instance—a round shot passing through the top-gallant sail of the ketch! From the few facts thus loosely thrown together, Mr. H. considered himself sustained in the conclusion, that Lieut. Decatur, had his orders warranted the attempt, by cutting the cables of the *Philadelphia* immediately after carrying her, could have removed her in safety and triumph to a friendly port. Every thing was favorable to such a result. The wind was propitious—the pilot skillful and anxious for the enterprise; the ship, too, was ready for sea or for action, even to the loading of her guns and the bending of her sails. And the enemy were in a state of total incapacity either for pursuit or attack—panic-struck and paralyzed.

Mr. H. contended, if the ketch, scarcely a match for one of the smallest Tripolitan cruisers, after the enemy's first moments of dismay had subsided, with the wind ahead, were permitted to depart unmolested, that no attempt could have been made—no attempt would have been made, to have arrested the retreat of the frigate. The frigate was incomparably the safer place. Her defences were ample, and the crew of the *Intrepid*, unreduced by the gallant conquest which they had just achieved, were in sufficient numbers to have manned her batteries and made sail upon the ship. The half-hour consumed in her destruction would even have enabled the captors (so short was the distance, not two and a half miles) to have towed her into the open sea. But such an attempt would have been unnecessary: for the wind, as before observed, was favorable, and the pilot perfectly familiar with the harbor. From the whole history of this achievement, sustained by official documents, and reasoning from all analogy—all precedent—all probability—Mr. H. considered his first position as fully established: that Lieut. Decatur could have removed the frigate *Philadelphia* from the

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harbor of Tripoli, had not his orders prevented him from making the attempt.

Had the captors succeeded in removing their prize to a place of safety, they would have been entitled by the prize law of 1800 to the full value of the ship, to 250,000 or 300,000 dollars.

But, to obviate all difficulties on this point; to accommodate, as far as possible, all differences of opinion growing out of the question, whether she could or could not have been removed, the friends of the bill have resolved to consider her as worth to the captors one hundred thousand dollars in the harbor of Tripoli—which is the lowest sum, taking all risks—all probabilities of recapture, into consideration, at which they can consent to rate her. A regard for the memory of Commodore Decatur, and the honor of the brave men associated with him in this unequalled enterprise, Mr. H. said, forbade him to name a sum lower than this—a sum which might be defended, either upon the principle of right to which the captors were entitled by the law of 1800, or upon the principle of remuneration, as a reward for a meritorious and gallant action. And it was upon this mixed consideration, the consideration of remuneration and right, that this most interesting claim, in his opinion, was justly sustainable.

Mr. H. said he would now leave the defence of the bill upon the principle of right or capture, to its professional friends, and proceed to defend it upon other principles—upon the force of numerous precedents, and the uniform practice and policy of this country. For, if there be one principle, he said, more than any other, sustained by its uniform practice and policy, it was the principle of rewarding the captors of public ships of the enemy, or ships captured and destroyed at sea. The principle has obtained, in every case, since the organization of the navy, with this single, this remarkable exception. And gentlemen, he thought, would hardly presume to say, that the achievement under consideration was not at least equal in gallantry and merit to any other which has ever graced our annals: an achievement which, in the history of gallant actions, stands alone—"like the sun in the system, single and unapproachable."

Mr. H. now asked the attention of the committee to the following precedents, as being among the most striking which sustain the claim. When Hull and Bainbridge sent the wrecks of the *Guerriere* and the *Java* to the bottom—burying with them the charm of English invincibility on the sea forever—they received 50,000 dollars, with the thanks of Congress, in each case; when Blakely—the ill-fated Blakely—in the language of a popular song of that day—

"Stopped the Avon's course,  
And overhauled the Reindeer;"—

when the lamented Lawrence sunk the *Peacock*—exhibiting the most perfect specimen of

marine gunnery which the world had ever seen; when Jones captured the *Frolic*; when Biddle closed the catalogue of our naval victories, by the capture and destruction of the *Penguin*, they all received the thanks of Congress, (and most richly—most gloriously they earned and deserved them,) various sums appropriated to the relative value of the ships captured and destroyed. In no case, I repeat, has remuneration ever before been withheld.

There are other precedents, Mr. Chairman, which go still further to establish the right of the captors of the *Philadelphia* to remuneration. I will briefly notice several of them:

1st. An act for the relief of Col. Lawrence, the officers and men, composing the garrison of Fort Boyer, in the year 1814.

This act allows them the same sum as prize money, for the destruction of the British sloop of war *Hermes*, as would have been allowed, if the said sloop of war had been captured by an equal naval force.

2d. An act for the relief of Pharoah Farrow and others.

This act distributes to Pharoah Farrow and his associates, the proceeds arising from the sale of two armed boats of an English ship of war, captured by them, during the late war.

3d. An act for the distribution of \$100,000 among the captors of the Algerine vessels, captured and restored to the Dey of Algiers.

This act appropriates and distributes the above sum among the captors, after the mode prescribed by the law of distribution.

This act constitutes a strong precedent—remuneration having been demanded and made, although neither of the vessels in question had passed through the formalities of condemnation. The moment the American ensign is displayed over an enemy's vessel, the right of the captors becomes perfect. Condemnation is a mere formality. The whole history of our maritime warfare sustains this doctrine. It has no exceptions.

Mr. H. also read several other acts of similar import.

Thus, sir, it appears, from the capture and destruction of a squadron, to the capture and destruction of the smallest armed boat of the enemy, the captors, in every instance, have received from the Government, with this signal exception, a liberal remuneration. Sir, I recall the assertion; they have not received a liberal remuneration. Their remuneration, on the contrary, has been a mere pittance—a miserable nothingness, compared with the glory of their achievements, and the public benefits which have resulted from them.

Liberal remuneration! Was Hull liberally remunerated, with fifty thousand dollars, and the thanks of Congress, for the capture and destruction of the *Guerriere*? An event which carried dismay into the bosom of a gallant people—and caused the trident to tremble in the hands which had swayed it, without a rival, since the days of Alfred.



Liberal remuneration! Was Bainbridge liberally remunerated for the capture and destruction of the *Java*? The most brilliant and decisive sea-fight, perhaps, ever fought between two single ships; and which settled, for one age at least, the question of superiority upon the sea.

Liberal remuneration! Was the gallant victory of the *Cyane* and *Levant* liberally remunerated? But, sir, it is useless to multiply instances; in no one case have the captors of the public ships of the enemy been liberally remunerated. Their remuneration, I repeat, has been signally incommensurate with the glory of their achievements, and the public benefits which have so largely resulted from them.

The policy of our country upon this point, has always been a most mistaken one. No nation ever has been, or can be, either beggared or embarrassed, by an opposite course—by a system of munificence to its military benefactors. Liberality, in such cases, is the true economy of public expenditure. It is what Burke has strongly denominated the cheap defence of nations.

The captors of the *Philadelphia* are further entitled to remuneration, from the public benefits which have resulted from the achievement. It was an exploit, of all others, calculated to impress deeply and lastingly the policy of the Barbary States in their subsequent negotiations with this country.

Had Lieutenant Decatur succeeded in capturing or destroying, at sea, the whole of the Tripolitan fleet, the impression would have been comparatively transient—other nations had done the same. Had Lieutenant Decatur succeeded in silencing their batteries, or even in laying Tripoli itself in ruins, the impression also would have been comparatively transient—other nations had done the same. But, to descend in the silence of midnight—to burst in the very centre of their entire armaments, with the suddenness and shock of a thunderbolt, wrapping their proudest trophy in flames, and retreating from the presence of a whole nation in arms, unassailed and unpursued, was an exploit, so novel, so imposing, and so extraordinary, as to sink deep into the memory, as well as imagination, of the Mahometan, and leave impressions upon his fears and policy, which are as operative and vivid this day, as they were in the first moments of its consummation.

A striking illustration of this fact is afforded by Lord Exmouth's operations before Algiers. After negotiating for months; and after one of the bloodiest victories of modern warfare, he barely succeeded in extorting terms—the same terms which were instantaneously granted to the destroyer of the *Philadelphia*, by his mere presence before that city.

An American citizen who has resided for many years in one of the Barbary States, (Tunisia), and whose opportunities of observation and correct knowledge on this subject, are, per-

haps, more ample than any other person's living, has volunteered, in the handsomest manner, his strong testimony in favor of this claim. He refers us to a novel and unexpected witness, —to Caramelli himself—Bashaw of Tripoli—as one ready and willing to testify to the immediate and lasting change in the policy, not of Tripoli alone, but the whole of the Barbary States, towards this country, effected by the capture and destruction of the *Philadelphia*.

The captors of the *Philadelphia* are further entitled to remuneration, from other and more important public benefits, which have grown out of this achievement. I pass by its immediate and ordinary results.

It was an achievement which fixed the naval character of the country. It gave the nation confidence in the Navy: it gave the Navy confidence in itself. It infused into it a spirit of enterprise and love of glory, from which resulted, in no inconsiderable degree, the victories of the late war, upon the favorite element of the enemy. And, lastly, it added largely to our stock of national glory, which alone, in the language of a distinguished modern statesman, is above all price, and, to young and popular Governments like ours, the richest of all acquisitions.

The word glory seems so natural to this question, and will necessarily occur so frequently in the discussion of it, that I must be permitted to furnish the committee with my definition of the word, for I would not be misunderstood in the meaning which I attach to it. I would not stimulate unnecessarily the military spirit of my countrymen. It is always excessive. On the contrary, there is no personal sacrifice which I would not cheerfully submit to, to avert at all times, from the land I live in, the last appeal of nations—a war upon the land or the sea. But, sir, as long as military establishments are required by our necessities, it should be our study, it is, indeed, the imperative duty of this House, to give them all the efficiency of which they are susceptible; to infuse into them that high professional spirit, and those chivalrous feelings, without which they are a mockery and a curse. The glory of which I speak—the legitimate glory of this bill—is not the glory of conquest nor ambition; but the glory which pursues illustrious actions, achieved in the prosecution of a righteous warfare, in defence of the rights, the privileges, and the independence of nations. The glory, not of the son of Philip, nor of him who fell amidst the ruins of his country, in the Senate House, but of Camillus and Cincinnatus, in the old world—of Washington and Bolivar, in the new. He who gives glory like this to his country, says the distinguished statesman to whom I have already referred, gives it that which is far more valuable to it than any acquisition whatsoever. It is that fine extract, that pure essence, which endures to all ages—which lasts forever.

And who, Mr. Chairman, I ask, and ask with

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confidence, since the last standard was struck from the last citadel of York Town, has added more largely to the real glory of his country—with one single and unapproachable exception—than the distinguished subject of this bill—the hero, (for hero he was in name and deed,) the hero of two wars, and the conqueror in both?

The captors of the Philadelphia are entitled to remuneration, from the extraordinary gallantry of the achievement. No nation, either ancient or modern, has ever before permitted an act of such surpassing heroism to pass by unnoticed and unrewarded. A Roman citizen, who had achieved an enterprise of uncommon gallantry, was rewarded with a golden wreath. A Roman citizen, who, by his bravery and good conduct, had raised the siege of a post in imminent peril, or had succeeded in releasing his fellow-citizens from actual bondage, became entitled to the highest military distinction among those brave and sagacious people. Lieutenant Decatur, Mr. Chairman, by one brave feat, in one gallant, glorious hour, entitled himself to both distinctions—to the union of both wreaths. The admiration of his countrymen, during his life, and history, faithful to her trust, since his death, have awarded him the one—the laurel wreath, the symbol of immortality. Let us hasten to bestow the other. And, though the brow of the hero which it should encircle, be mouldering beneath the turf of the valley, our munificence, if munificence it be, will be bestowed neither unwisely nor unworthily. A thousand gallant spirits will applaud the act—a thousand gallant spirits will respond to its justice and generosity. For the Navy, believe me, is looking with intense anxiety to the progress and issue of this bill.

Allow me another view of the subject before I close. In legislating, Mr. Chairman, on a bill like this, we should seriously inquire what effect its passage or rejection is calculated to exercise upon the highest interests of the Navy.

Let us test it by this principle. Suppose it announced (for I will imagine possible what I cannot believe possible) that this bill, embracing the most affecting and interesting considerations—a bill for the relief of the widow of Decatur—for the relief of the infant children of two of the favorite sons of the Navy, (Lawrence and McDonough,) after a brief discussion in the House of Representatives, has been coldly rejected! What would be—what must be the effect of such an annunciation upon the highest interests of the service—upon its spirit of enterprise and love of glory? Upon that unwavering confidence—that affectionate regard towards the Government, which always should, and which always has distinguished the Navy? I cannot presume to answer such a question. But I do say, for we can all imagine, that it would fall like a bolt of ice upon the sensibilities and patriotism of a band of as gallant and deserving spirits as ever sustained the chivalry of any country's marine—of men

who, at all times, in all places, and under all circumstances, have sustained the honor of the flag, gallantly and gloriously. Cherish the seaman in peace, says a modern maxim, and when war involves the country, his spirit will blaze forth. The spirit of the American seamen has blazed forth. From the earliest records of the service—from that midnight hour, when he, the illustrious subject of this bill, burst through the entire array of a whole nation in arms, and tore from the diadem of Tripoli the richest gem—the proudest trophy, which the most cruel of all chances had planted there. Through the long line of victories which graced the late war, until the last pirate was swept from the accursed seas of Ouba, the Navy has stood the same adventurous devoted band of citizens and soldiers, ready to plunge, Roman-like, into the very abyss, if necessary, to save their country; or literally go down, like Somers, with friend and foe, rather than live and be a slave.

I appeal to you, sir, I appeal to this House, and this country; I appeal to England herself, and to all nations, whether the high, the lofty pre-eminence to which the national character has been elevated by the late war, be not mainly attributable to the glory of our naval victories? I would not disparage the Army. I could not if I would—I certainly would not if I could, disparage by invidious comparisons, the glory of those who fought at Erie and Chippewa, Oswego and the Thames, at Bridgewater and New Orleans. But it is notorious that the Army throughout the late war, sustained, and only sustained its own honor; and by the bloody victories of the last campaign, washed away the deep stain which a succession of defeats had impressed upon its history, during the first.

A moment more of the Navy—for its eulogium I regard as intimately as indissolubly connected with the bill before us.

During the gloomiest moment of the war—when all seemed wrecked and lost—when all, at least, was ruin and disaster—when all was mortification and dismay—when the high-minded and ingenuous American citizen hung his head, and almost forswore his country, who brought us succor and consolation?—who rallied up the desperate fight?—who cheered us in the struggle?—who poured into the streaming wound of our country's honor, the sovereign balm—the oblivious antidote of twenty victories? Let history answer these questions. History has answered them. And if history has recorded that one Hull struck the flag of his country without a blow, on the land, history also recorded that another Hull struck such a blow upon the sea, as shook, but with opposite emotions, two proud and powerful nations to their very centres. If history has recorded that the red cross of England has floated over the ruins of this sacked and violated temple, history has also recorded that Perry triumphed on Erie, and McDonough on Champlain. If history has recorded a succession of deep dis-

graces on the land, history has also recorded a succession of brilliant victories on the sea. And the war closed by advancing the national honor, and leaving it a distinguished privilege to live, and move, to be an American citizen.

I have done, but I entreat the committee to recollect (before the question be taken to fill the blank) the unextinguished, the unextinguishable debt of gratitude and admiration which we still owe, and shall always owe, our gallant Navy.

Mr. HOLCOMBE was followed by Mr. TUCKER, of N. J., who took the same side of the question, and concluded his speech by moving to fill the blank for the appropriation with the sum of \$200,000.

The question being taken on this motion, it was decided in the negative.

Mr. HOLCOMBE then moved to fill the blank with the sum of \$100,000, which was carried—ayes 56, noes 55.

A debate now arose upon the principle of the bill, which occupied the House till three o'clock, and in which Messrs. WHIPPLE, FORSYTH, HOLCOMBE, WEEMS, MALLARY, POWELL, FRANCIS JOHNSON, WEBSTER, STORRS, DWIGHT, WHITTLESEY, McLANE of Del., HAMILTON, and DRAYTON, took part.

The grounds on which the bill was advocated were principally these: that it appeared from the circumstances of the case, that the attempt of Lieutenant Decatur to get possession of the frigate Philadelphia, while lying under the battlements in the harbor of Tripoli, having succeeded, it would have been in his power to have brought the frigate out, had not his orders from Commodore Preble been peremptory to destroy her, in which case, by the law of 1800, which regulates the distribution of prize-money, a right would have vested in him and his crew, to the full value of the frigate thus recaptured.

In support of the position that the frigate might have been brought out, the opinion of the pilot, and of Commodore Bainbridge were quoted.

Besides this ground of legal claim, the bill was advocated as an act of gratitude richly merited by the valor of the achievement—by its effect upon the naval character of the country, and on our subsequent negotiation with the Barbary Powers; and lastly, on the ground of policy, as being calculated to encourage a spirit of daring enterprise among the officers of the Navy.

The bill was opposed on the ground that no legal claim could have vested, because the Prize Law requires that the vessel should be condemned as lawful prize, and sold, before any distribution of prize-money can take place.

The frigate Philadelphia was never condemned nor sold, nor could she have been, even if she had been brought out of the harbor, because she was an American frigate, and not a vessel of the enemy.

The doctrine of vested rights was also op-

posed, inasmuch as all captured property belongs to the Government, and if given at all, is given as a gratuity.

It was further objected, that if this claim had been a valid one, it would have been presented at the time, and not suffered to sleep for so many years—that it was very improbable the frigate could have been brought out of the harbor, because the wind chopped about as soon as the ketch had entered the harbor, and the seventy men who formed the crew of the ketch, supposing them to have been sufficient to work the frigate out against a head wind, would have been so occupied in this, as to be unable to work the guns. It was further contended that Lient. Decatur had done no more than his duty, and had been sufficiently rewarded by a public vote of thanks—the presentation of a sword, and the offer of two months' extra pay to himself and his men.

The bill was advocated by Messrs. HOLCOMBE, TUCKER, DWIGHT, McLANE, HAMILTON, and DRAYTON; and opposed by Messrs. WHITTLESEY and MALLARY.

Mr. STORRS disavowed taking either side of the question, but the general course of his observations seemed directed against the bill.

An amendment was suggested by Mr. FORSYTH, and agreed to, to strike out the word "representatives," and to insert "widows and children."

Mr. POWELL proposed to add to this amendment, that if there be no widow or children, the money should then go to the father or mother, if living; but this was objected to by Mr. WHIPPLE, and the amendment was withdrawn.

When the committee rose, and the question to fill the blank was taken up in the House,

Mr. LATHROP demanded that the question be taken by yeas and nays; and they were ordered by the House.

Mr. MALLARY concluded the debate for this day, by a motion to lay the bill on the table; which was carried—ayes 61, noes 50.

And then the House adjourned.

MONDAY, May 8.

*The Creek Treaty.*

The House resolved itself into a Committee of the Whole, Mr. CONNOR in the chair, on the bill "making appropriations to carry into effect the treaty concluded between the United States and the Creek Nation, ratified the 22d April, 1826;" and the bill from the Senate, "to aid certain Indians of the Creek Nation, in their removal to the west of the Mississippi."

The bill relating to the Creek Treaty having been read through—

Mr. McLANE, of Delaware, stated, that the Message of the President, on the subject of this bill, had been accompanied by a letter from the Secretary of War, recommending that a compensation be allowed for certain improvements made by these Indians, on the unceded lands

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in Alabama and Georgia. The Committee of Ways and Means (he said) had been disposed to promote that object, which they considered a good one, and had directed him to move the following amendment to the bill:

"For indemnifying emigrants for their improvements in the unceded part of their territory, whether in the limits of Alabama or Georgia, 20,000 dollars."

Mr. FOSYTH then said: the whole subject of the Creek difficulties came before the House in a very curious manner. The President in his Message, at the beginning of the session of Congress, had told both branches of the National Legislature that he should, on the matter of the Creek treaty, send a special Message. During the last Summer, the President had, through the Secretary of War in two instances, stated formally to the authorities of Georgia, that the whole subject would be presented to Congress, with a view to ascertain the opinions of Congress on the validity of the treaty itself, as well as upon the conduct of the Administration, on all the questions arising out of it. These promises are not yet performed, and Mr. F. took it for granted every thing was before the House intended by the Executive to be communicated to it. Congress is now asked to appropriate money for the execution of a contract whose avowed object is, at an additional expense of near half a million of dollars, to set aside a previous contract, made under the authority of the United States. The contract now before the House (he would not abuse language by calling such instruments treaties) had indeed been approved by the Senate, and ratified with their approbation, and was, as gentlemen were pleased to call it, a law of the land; that which is to be set aside, had met a like good fortune—had received the same approbation and ratification. Were gentlemen satisfied that all was correct because it had been done? The President and Senate, who had approved the first, are now content that it shall be annihilated. On what ground rests their last determination? So far as an opinion can be formed from the contracts themselves, both of which are communicated, unaccompanied by any other document or explanation of them, the first contract is to be set aside in consequence of the refusal of one of the parties to execute it, on the allegation that the persons who made it, had not competent authority. Was this the fact? Was there any proof of it before the House? That the new contract is preferred by a majority of the Creek tribe, to the old, cannot be doubted. Eight hundred thousand dollars will be more acceptable certainly than half that sum. But how stood this question when the first contract was made? The Commissioners of the United States who formed it, believed, or asserted if they did not believe, that the persons with whom the arrangement at the Indian Springs was made, had full power to bind their tribe by its stipulations—the chiefs who made it, asserted their

right to act, and alleged, that what was done by them would meet the approbation of the great mass of their tribe. The agent of the United States denounced the contract, as made by persons unauthorized—as made contrary to the instructions of the United States—and as calculated, if ratified, to do infinite mischief to the Creek nation. The President and Senate were perfectly aware, as was every person the least acquainted with the subject, that, on the proposed extinguishment of their claim to the lands occupied by them, there was a great division among the Indians. The person who ought to have been best acquainted with their sentiments, was the agent residing among them. If he was worthy of credit, his opinion must have controlled the judgment of the Executive on this point. Was he believed or discredited? It is but just to the late and present Chief Magistrate to suppose, that they believed him. If not, how happens it that an agent of Government, who gave officially false information, is retained in office—has enjoyed the confidence, the full confidence of the Administration—has been used by them from that hour to this? The President and Senate were forewarned that difficulties were opposed to the formation of the contract, and they disregarded them. They were forewarned that the power of the persons signing it was disputed; this, also, did not arrest its ratification. Difficulties were anticipated to the execution of the arrangement, but it was believed that the chiefs who made it, aided and protected by the United States, would be able to overcome all opposition to it, and that the purposes of the Government could be accomplished without injustice or violence. These anticipations would have been realized, if the act of Congress, under which the contract was made, had not been, in forming that contract, utterly disregarded. Instructed by what has since occurred, by the declarations contained in the new arrangement, we now know that the chief obstacle to the ratification of the first arrangement, was the repugnance of many of the Indians to go to the region west of the Mississippi.

The act of Congress appropriated money to extinguish the Creek title to land within the limits of Georgia. The negotiation was for all the land occupied by them in Georgia and Alabama; and nearly all in both States was ceded. But these cessions were subordinate to the prominent object of furthering a project of the then President—the congregation of all the Indians beyond the Mississippi, to establish a great Indian Government, for the purposes of Indian civilization—a project not approved by Congress, and deemed, by many of the most prudent of our statesmen, wild, visionary, and impracticable. Suppose the intentions of Congress had been fairly executed, is it not now obvious that any difficulty which would have arisen would have been, by the exercise of ordinary prudence and firmness, tempered by a kind consideration of what is due to our de-

pendent Indians, easily overcome. For its own purposes, the United States, by the Executive Magistrate, created this obstacle—an obstacle we are now officially told, insurmountable—every exertion to overcome it having been made, and made in vain. Let us see (said Mr. F.) upon what foundation rests this assertion. What exertions have been made to execute a contract thus made, contrary to the intentions of Congress, and embracing objects in which the State of Georgia, for whose benefit Congress acted, had only a common interest with the other States. The ratification of the agreement of the Indian Springs was scarcely complete before the President was formally cautioned against trusting the Creek agent for the execution of it. He was informed that, as his hostility to the agreement was notorious and persevering, it was apprehended that, pursuing the same policy which had governed his previous conduct, he would throw obstacles in the way, instead of promoting the execution of the agreement. It was believed that he had been in Washington for the purpose of preventing the ratification of the contract, and, failing, he would return to the Indians with feelings of increased bitterness against those who had participated in its formation. This apprehension was prophetic. He returned to the Indians. What immediately occurred need not be told. What effort was used by him to reconcile the Creeks to the agreement that had been made? What effort to prevent the assassination which followed? Did he dissuade the Indians from violence? Did he menace the irritated with the indignation of the Government, if either of those chiefs, who had lent themselves to its wishes, should be molested? If he did, sir, the evidence of his exertions have not yet reached the public eye, and not a suspicion is entertained that it exists; but it is known that he was the enemy of the chief who fell, the vindicator and friend of his assassins, the calumniator of his followers, and of the Commissioners of the United States, with whom the agreement was made. Passing over all that occurred in the Creek nation, as not necessary to be now discussed; throwing a veil over those bloody transactions which have been called by citizens of the United States—men of peace and order, too, and the especial haters of violent language—executions under criminal laws; let us come to the consideration of what has been done here for the execution of the first contract. Sir, your Secretary of War did not even attempt the execution of it. He considered, on the report of General Gaines, that, as a great majority of the nation was against it, it was hopeless even to propose it to the Creek delegation, who came here to discuss the whole matter. This report we have not; but it is stated that 1,890 chiefs and warriors declared against it, out of a population of about 20,000 souls, and this, too, after the principal chief of the friendly party had been massacred; his followers driven by violence from the nation; and

their friends in the nation terrified or purchased into silence. No effort was made here to effect the execution of the old contract. By way (Mr. F. presumed) of securing the best possible arrangement, the idea of its execution was abandoned altogether, and the Indians soon saw that the whole game was in their own hands, and a negotiation was formally opened for a new bargain. The Executive, we are told, wished a cession of all the lands in Georgia; the Indians would not cede beyond the Chatahoochie. After exhausting all his diplomatic skill, aided and assisted, no doubt, by the Creek agent, and certain other agents of other Indians, the Secretary, acting under the authority of the President, applied to the delegation of Georgia to know whether Georgia would prefer a cession to the Chatahoochie, or a reference of the whole subject to Congress, with a view to investigate the validity of the agreement, which had, by the President himself, been ratified and proclaimed, affirming that, to procure a cession beyond the Chatahoochie, was impracticable. The delegation of Georgia, not choosing to divide responsibility with the President, it was found practicable to procure a cession of a very large portion of the lands in Georgia, the boundary being established beyond the Chatahoochie, notwithstanding what the Secretary had been pleased to consider a very reasonable determination of the Indians, to adhere to that natural boundary. This contract was submitted to the Senate, and the injunction of secrecy having been taken off their proceedings, Mr. F. said, he was able to state how it had been received. The committee to whom the new agreement was referred, recommended its rejection. In this unexpected state of things, the boundary line, the best that could be obtained from those obstinate Indians, was again changed, and by an additional article, nearly all the land in Georgia was given up. Thus altered, the new contract was approved by the Senate, under a conviction (which, Mr. F. feared, was not well founded) that in fact all that Georgia had a right to demand, under the first, was substantially secured by the second. These two contracts are now before the committee. To refuse the appropriation now asked, is scarcely a matter of discretion. The Indians will be, without doubt, attached to the new bargain. They are too well bribed for their opposition to the old one, not to adhere to the stand they have taken in favor of the new. Although thus trammelled by Executive mismanagement, the principle upon which the President has acted is too important to be passed without notice. It was, indeed, most worthy of the deliberate consideration of the Representatives of the people. The President seems to have considered that the subject of the contract of the Indian Springs, was one wholly under his control—to enforce, alter, or invalidate it, if not by his own authority, certainly with the aid of the Senate. He has applied to it the doctrine of treaties,

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which may be altered or annulled by the subsequent agreement of the parties. He has entirely overlooked the doctrine of treaties and of contracts, where they affect the interests of third powers, or third persons. Neither treaties nor contracts can be changed, to the prejudice of others, who hold rights under them. Their consent is as necessary to the validity of a new agreement as the assent of the parties to the first. Georgia has not been considered at all, except from respect to her rights, under the compact of 1802. She has been treated as if having no authority to interfere in the arrangements proposed and made. How far this doctrine has met the approbation of the Senate, does not appear; but Mr. F. was justified, by what he had already stated, in believing that such was not the opinion of that body. What is the amount of the interest of the State is not important. The two contracts differ in these particulars: By the first, all the Creek lands in Georgia were ceded; by the second, all the lands are not specifically ceded; and whether all are ceded or not, is a matter of opinion. In the opinion of the Indians, if their Secretary of Legation is good authority, all the land is not ceded. By the first, the Indians were to remove by the first of September, of the present year; by the second, they remain till January, 1827. Although the principle involved is important, the interest is trifling. As it is the intention of the delegation from Georgia to present a written protest, Mr. F. would not touch further on this topic. The interest of the State, in the question before the committee, was not the moving cause of his address to the House. The interests of the State could not be injured by any bargain the United States might choose to make with any Indian tribe. Congress cannot touch the rights already vested in Georgia, whose constitutional organs would do their duty in asserting them. His object in addressing the committee, was to explain what were the real questions between the State authorities, and the Executive of the United States, growing out of the contract of the Indian Springs, so far as they had any relation to that contract, and to expose the gross misrepresentations which had been used to impose upon the people of the United States. It has been asserted again and again, in newspapers, pamphlets, and reviews, spread with malignant industry to every corner of the Union, that a serious controversy existed between Georgia and the Creeks; that Georgia had, by artifice, fraud, and corruption, procured the formation of a treaty, for the execution of which they were eager, and ready to annihilate those poor Indians whose interests had been betrayed; that the benevolent interposition of the President had prevented the accomplishment of this nefarious design. Those who hear me, Mr. F. said, need not be told that Georgia never has had any controversy with the Creeks or Cherokees—no connection with the formation of what was called the Treaty of February, 1825. It

would not escape the observation of the people, that the frauds and briberies, and corruptions and villanies, so eloquently denounced during the preceding Summer, and so falsely imputed to the State, were not even among the inducements to the new arrangement made in Washington. The only controversy in which Georgia has been concerned, was one between Georgia and the Executive of the United States, touching the execution of the compact of 1802. The State Government did not think the President was disposed to use all the means necessary and proper for its fulfilment. Appeals were made to Congress, and the wishes of the State were met by requisite appropriations for holding meetings with the Indians. As soon as the agreement of the Indian Springs was proclaimed, the Legislature of the State passed the usual act for the distribution of the land, directing surveys to be made of it, preparatory to the immediate occupation of it, as soon as the Indians should remove. The right of the State to make this survey was disputed by the President, and the only question was, Had Georgia the right to survey the lands within her limits, although occupied by the Indians? The Governor of Georgia thought this right perfect, under the contract with the Indians, and especially as he had obtained the consent of those Indians with whom that contract was made. Mr. F. considered the right as perfect, independent of the contract. It is a right which belongs to every State, to order or to prohibit surveys of its Indian lands—a right never before disputed or denied; one exercised constantly by Georgia, and by every other State. The Supreme Court has, more than once, decided that a State could grant its Indian lands, and that the grant would be perfect. If the right exists to grant, how can the minor power to mark artificially, in the absence of natural boundaries, the limits of the granted lands, be denied? The Indian lands were constantly surveyed by citizens of the State, until such surveys were prohibited by a State statute. This right was, by the United States, tacitly admitted to exist. During the last year, the State applied to the President to join the State in ascertaining and marking the division line between Georgia and Alabama, a line passing through the Creek and Cherokee lands. The President declined, not on the ground of Indian occupation of the land through which the line was to pass; not on the pretext that the Indian consent was necessary—such an idea was not hinted at—but, on the ground that the United States had no interest in the settlement of that boundary line; it was a subject for the consideration of Georgia and Alabama only. A strange assertion! The land in Alabama belonging to the United States, the General Government has certainly some interest in having the boundary of that land accurately ascertained. The President conceived himself authorized to interfere to prevent this survey under the contract of 1825. This contract was

obligatory when it operated against the wishes of a State, but doubtful when it operated in favor of the McIntosh Indians, and against the wishes of those hostile to it. This determination of the State peaceably to survey its own lands, was the pretext for one of the most high-handed measures ever witnessed in a free Government. The right was unquestionably with Georgia. Admitting it to have been doubtful; allow even that the President was correct; that his obligation was to interpose; see, sir, how that obligation was performed. No judge was called on, no magistrate sought to command the services of the marshals, sheriffs, or any other civil officer; but a direct appeal was made to force, in the most odious of its forms—military force—a portion of the standing army, of the hired soldiery, were the instruments ordered to be used against a State law—a military force, previously carried to the scene of action, with the design of preserving peace among the Indians! I ask, by what authority the President employed this military force, in a time of profound peace, against one of the Confederacy?

Mr. TATNALL said he had risen for the purpose of explaining to the committee the course which he had prescribed to himself, and, at the request of his colleagues, who (with the exception of his friend who had just sat down) concurred with him, that which they had prescribed to themselves. It was not our intention (said Mr. T.) to enter into a discussion of the facts involved in the subject before the committee—nor was it our intention to say any thing which could be, in any manner, calculated to touch or excite the feelings of gentlemen on that floor. We were not disposed to enter into the discussion of the merits of the “old” and of “the new treaty,” as they were styled; because, we were not prepared with the necessary testimony to sustain ourselves. Not being prepared for such investigation, we had determined to use no expression reflecting either upon the General Government or upon the agents employed by it, which might be calculated to produce angry feelings or recriminating expressions. Should we do so, the gentlemen on the other side would have a right to call upon us to substantiate any accusations we might make. Now, if called upon for evidence, we had it not. We were not even in the possession of the official documents, and papers alluded to by my colleague. In fact, even if in possession of them, it was proper to say we should not consent to rest our case upon them. They contained *ex parte* testimony, against the use of which, in any manner, so as to affect the rights of Georgia, we were ready to solemnly protest. We were, therefore, wholly unprepared for trial, and were consequently unwilling to use expressions which might be offensive. I am not in the habit of shrinking where it is my duty to advance forward; but I never will consent to make an accusation in any case, until I have the proof

within reach. My colleague, said Mr. T., believed he had sufficient proof to stand upon. We thought we had not. We therefore hoped that gentlemen, in any remarks which they might think it proper to make, would studiously avoid, in the slightest degree, reflecting upon the character or conduct of the Executive or of the citizens of Georgia. Whilst we abstained, under the circumstances, from giving vent to our feelings, by expressing, in strong terms, our disapprobation of the conduct of the General Government, we should promptly and severely repel the slightest imputation cast upon the citizens of Georgia, or the Executive. Whilst, however, we declared our determination to avoid unpleasant or exciting expressions, we wished it to be distinctly understood, we were far from being insensible to the treatment our State had received. We wished it to be understood that we were far from expressing approbation of the General Government or disapprobation of our own.

In regard to the immediate subject before the committee, I would frankly observe, that we should have no very serious objections to the passage of the bills under consideration, provided the constitutional difficulty were out of the way. We believed that the “new treaty,” with the provisions contained in the supplemental bill, would afford to Georgia every material advantage secured under the “old treaty,” and in regard to the McIntosh Indians, the advantages held out to them were far beyond what the old treaty entitled them to. The fact was, the General Government had gotten into a dilemma, and we must pay pretty dearly to get out of it.

The State of Georgia was prepared to execute the “old treaty.” The ceded country will be occupied under it; but it would be a want of candor in us to say, that we did not rejoice that the provisions of this treaty, so far as Georgia was concerned, could be carried into effect without materially conflicting with those of the “new.” All apprehension, therefore, of a collision between the General and State Governments, was at an end. A civil war was, in all cases, horrible, and every patriot should desire to avoid it. In this case, if the General Government had persevered in its course, it would have been inevitable. Nothing but a measure of the present kind could avert it, unless either party had yielded to the threat of force from the opposite side. Our pride, as Georgians, would prevent us saying that we would have been unwilling to have met such a crisis, and to have maintained our rights under every hazard. That condition would be a dreadful one indeed, however, when the point of the bayonet alone could settle the controversy. We approved of the bills as calculated to prevent a civil war between the United States and the State of Georgia, and also to avert an internal war between the two opposing parties in the Creek Nation. These parties had been restrained from hostilities

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which would have seriously affected the safety and quiet of the frontiers of Georgia, Tennessee, Alabama, and Florida, only by the interference of General Gaines, under the orders of the General Government. Both parties were induced to submit to the General Government their differences. The result of this interference is now the subject of our consideration. If we passed these bills, there would be satisfaction on both sides. If we did not, I felt it my duty to state, that the McIntosh party would return home with the most determined hostile intentions. It was with much difficulty this delegation had been kept here. Upon representing their feelings to the War Department, and explaining what they required to be done, I was promptly authorized by the Secretary of War to give them every assurance that they should be satisfied. Without this, they could not have been kept here.

Mr. MINER rose, as a member of the Committee of Indian Affairs, to express a hope that the appropriation would pass without opposition.

Mr. OWEN said, that this was a subject which did not affect Georgia only, or Alabama, or the Creek nation, but had a bearing on every individual in the nation; every friend of the form of Government under which we live. He had not risen to make a protest against the treaty, and to support that protest by a lengthy argument; but to say that if the bill should pass, a greater innovation would be made than ever had taken place before, in the policy and principles of this Government. If the principle to which the bill directly led, should receive the sanction of Congress, State rights were gone forever: the treaty-making power would ere long swallow up all the rights of this people; no rule would remain by which acts of the Executive could be tested, and no liberty would be enjoyed, where the Government might accomplish whatever it pleased under the cover of a treaty-making power. He considered the superseding of the old treaty as a violation of the constitution. The President and Senate had no such power by the constitution. If a treaty is made by which a third party obtains rights, they are vested rights, and the treaty cannot be repealed without the consent of that party. He was opposed to the bill, on the ground that it was unconstitutional; the original treaty is now the law of the land: it has received the constitutional sanction, and been promulgated. He was of opinion that the State of Alabama possessed the power to act on the original treaty, and might extend the municipal regulations of that State over the lands now ceded. He thought gentlemen ought to reflect well on what they were about to do, and think what a principle they were about to sanction. He wished to record his vote against it, and should be glad to see the House reject the bill.

The question being on ordering the bill from the Senate to be read a third time—

Mr. STRONG moved to strike out the first section of the bill—in effect, to destroy the bill: and followed his motion with a number of remarks, in support of it, and in explanation of his objections to the bill, which were, generally, that he was opposed to a partial commencement of a system, which ought to be general, if acted on at all.

Mr. COCKE opposed the motion, and replied to Mr. STRONG, and read the 6th article of the late treaty with those Indians, to show that this bill was required by the stipulations of the treaty.

Mr. STRONG then moved to amend the bill, by striking out the enacting clause: which was negatived; and

The bill was then ordered to a third reading. And the House adjourned.

TUESDAY, May 9.

*The Creek Treaties, &c.*

The bill from the Senate, "to aid certain Indians of the Creek nation, in their removal to the west of the Mississippi," was read a third time; when Mr. STRONG demanded the yeas and nays on the passage of the bill. The House sustained the call, and the bill was passed by yeas and nays—158 to 15.

Mr. FORSYTH rose in his place, and desired that a paper which he held in his hand might be received and read.

Mr. WEBSTER desired of the Chair to be informed whether the compliance with such a request was in order?

The Chair replied, a gentleman desires that a paper which he holds may be read to the House. If no objections are offered, the reading will be ordered.

Mr. WEBSTER said, that if the paper related to any subject before the House, he supposed it might properly be read; if not, he should suppose it out of order.

The Speaker desired the gentleman from Georgia to state briefly the nature of the paper he wished to present.

Mr. FORSYTH stated that it was a protest, drawn up by the Delegation from Georgia, on the subject of the late treaty with the Creek nation, the object of which was to save the rights of the authorities of Georgia, which might be interfered with by that instrument.

Mr. WEBSTER objected to its being read at this time.

Mr. FORSYTH then said he should accompany the paper by a resolution, in which case its reading would be in order.

The Chair replied that the hour for the presentation of resolutions had elapsed.

Mr. FORSYTH then desired leave of the House to present the resolution. The question on suspending the rule was then put, (which requires two-thirds to carry it,) and decided in the negative—Yeas 80, Nays 67.

When the bill came up, Mr. STEVENSON, of Pennsylvania, said:



Mr. Speaker: This morning, a member from Georgia presented to this House a paper or a protest, on behalf of the delegation from Georgia, which he declared contained the views of the delegation from that State, on the subject of the treaty with the Creek Indians, and asked that it might be read, it having reference to bills which would come up to be decided immediately. The reading was objected to by the gentleman from Massachusetts, (Mr. WEBSTER,) and the hour having elapsed that is devoted to resolutions and motions, it was decided by the Speaker that it could not be received. A motion was then made to suspend the rule limiting the hour, for the purpose of receiving this paper. This was also objected to by the gentleman from Massachusetts; and, by a rigid application of a rule requiring two-thirds to suspend the rule, the delegation from Georgia was prevented from offering their declaration or protest, although eighty voted for its reception, and only sixty-seven against it. And now, sir, the bills referring to the Creek treaty come up on their third reading, and are to be passed, without the members from Georgia having an opportunity to present to the House a paper which they think an act of duty to their State to have read, before the passage of these bills. Sir, I know not the contents of that paper; but I am satisfied, from the character of those who offer it, that it is couched in respectful terms. It is just that they should have an opportunity of being heard, before the question on the passage of these bills is decided. Surely the measures of this morning seem to justify the charge of an unkind course having been pursued towards Georgia. It offers some proof that there is a spirit of severity exercised by some towards her. Sir, I cannot be satisfied with this. I will feel for every member of this nation. No State can ever show that injustice has been done her, and appeal to the people of this nation in vain. I fear that injustice has been done to Georgia; there are, at least, some evidences of it. The nation may be slow to believe her story, but, once convinced, it will redress her wrongs. What, sir, has it come to this, that the delegation of a State, and one of the old States, too, has asked the reading of a paper presented by them to this House, and this has been denied?—denied by a minority of the House, too? It is not merely an act of courtesy, it is an act of justice, to hear the State, and before the passage of these bills too.

I, therefore, move that the question on the passage of this bill be postponed until to-morrow; in order that the delegation of Georgia shall have an opportunity to lay their protest before the House within the regular time, and before the question on the passage of the bills.

Mr. FORSYTH said he felt sensible of the kindness of the gentleman from Pennsylvania. The protest had not been read, and from the general terms used in presenting it, might have been supposed to embrace both bills. It,

however, relates to the next bill; to this, the delegation offer no resistance.

Mr. STEVENSON then stated that he should withdraw his opposition to the question on this bill, and renew it on the other, with the view he had stated.

Mr. WEBSTER said, that he presumed the motion and remarks of the gentleman from Pennsylvania, had been called forth by the observations which he had made when the gentleman from Georgia had risen to present the paper. I understood, said Mr. W., that the gentleman was desirous to present a protest; the hour of the day, for the presentation of such a paper, was then past; and I could not suppose it to be the wish of the honorable gentleman to enter a protest with respect to a certain bill, till that bill should be at its passage, or should have been passed. He certainly had no objection to the gentleman's pursuing any course, in respect to this matter, which the constitution allowed. On the subject of protests, he believed, the constitution was silent; and the practice was unprecedented, except, he believed, in a single case, where a member had been permitted to enter on the Journals his dissent, with the reasons of it, to some act of the House. The practice was one, which might become very inconvenient, if frequently pursued. In the present case, he took it for granted, that the paper which the gentleman wished to present, was, both in matter and manner, all that it ought to be; his objection had only been to the time at which it was offered. Whether a protest might be entered on the Journals of this House, he did not know. He should presume, that such a practice might produce some inconvenience; but he had not the least desire to prevent the gentleman from taking any course, in respect to the paper, which might be allowed by the rules of the House.

Mr. FORSYTH said he believed it was strictly in order to present the paper now. As to its further disposition, it might be settled to-morrow, or on any other day. And as all he wished, with respect to this bill, was to have the opportunity of having this paper read, before it passed, he hoped the gentleman from Pennsylvania would withdraw his motion for postponement.

Mr. STEVENSON assented: and the following protest was then presented by Mr. FORSYTH, and read at the Clerk's table:

"The President of the United States having submitted to the House of Representatives, a contract made by James Barbour, Secretary of War, and certain Indians of the Creek tribe, dated the 26th day of January, 1826, which has been ratified, by and with the advice and consent of the Senate of the United States, and having asked of Congress an appropriation to carry it into effect, the undersigned Representatives of the people of Georgia, feel it their duty respectfully to represent to the House:

"That, by a contract made at the Indian Springs,

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between certain Chiefs of the Creek tribe, and the Commissioners of the United States, on the 12th February, 1825, the claim of the Creek Indians to the land occupied by that tribe in Georgia, was extinguished, and provision made for their removal, by the 1st day of September, 1826:

"That this contract was, on the 7th of March, 1825, duly and solemnly ratified and proclaimed, by the President of the United States, acting by the advice and with the consent of the Senate; and that Congress, anticipating such contract, had appropriated the sum of 210,000 dollars, towards the execution of it. This contract partially fulfilled, on the part of the United States, their obligation under the compact with Georgia, of 1802; and removed every difficulty interposed by the occupation of the Creek Indians, to the full exercise of all the vested rights of the State, over a considerable portion of her soil and territory:

"That the undersigned are under the solemn conviction, that neither the President alone, nor the President and Senate conjointly, nor the Government of the United States, have any constitutional power, without the consent of Georgia, to interrupt or invalidate, on any pretence whatsoever, the rights secured to that State, by this contract, made in obedience to an act of Congress, and ratified with all due solemnity:

"That the new contract, for which an appropriation is now asked, differs from that of the Indian Springs, in this, that it does not provide for the removal of the Creek Indians prior to 1827, and does not expressly provide for their removal from *all* the lands occupied by them in Georgia. The undersigned are, therefore, compelled, by a just sense of what is due to Georgia, to protest, as they do most solemnly protest, against it, as violating the rights of that member of the Union of which they are the Representatives, leaving it to the constitutional organs of the State sovereignty to vindicate or to waive those rights, as their own sense of propriety, their duty to the people of the State, and their reverence for the union of the States under the Federal Constitution, may dictate.

ALFRED CUTHBERT,  
GEO. CARY,  
JOHN FORSYTH,  
EDW. F. TATNALL,  
C. E. HAYNES,  
WILEY THOMPSON,  
JAMES MERRIWETHER."

Mr. HAYDEN called for the yeas and nays, upon the passage of the bill. The call was sustained by the House, and the question being taken, it was decided in the affirmative—yeas 167, nays 10.

So the bill was passed, and sent to the Senate for concurrence.

WEDNESDAY, May 10.

Mr. FORSYTH submitted the following:

*Resolved*, That the following protest, presented by the Representatives of the State of Georgia, yesterday, be entered on the journal of the House.

Mr. WEBSTER made a number of remarks, tending to show the inconvenience of the practice of recording protests, should it become prevalent, and referred to the only two precedents extant.

Mr. CARY said he should have uttered nothing upon this question, but for the remarks of the gentleman from Massachusetts, (Mr. WEBSTER,) concerning the paper offered for admittance on the journals. That gentleman, said Mr. C., seemed to consider it as strictly and technically a protest; directly relating to, and connected with, the act appropriating money to carry into effect the Creek compact or treaty, lately solemnized at Washington. He had treated it as merely a detail of reasons, by a minority, for their votes upon the appropriation bill; and had, from that view, inferred his argument against the privilege sought: anticipating that great inconvenience might ensue from the establishment of such a precedent. Now, sir, by this criterion, the paper offered is certainly not regularly a protest. I voted affirmatively for the appropriation, and yet I have signed what is called the protest. In this course, which I have thought proper to take, I can see no inconsistency or contradiction. If the paper be considered what I think it is—not a protest, assigning the reasons for negative votes, but a substantive declaration by the Representatives of Georgia, that the State waives no rights which it may have legally acquired, by the compact of the Indian Springs, their silence and acquiescence might be construed into a waiver. Against that conclusion it was the design of the paper to guard. I defy any one to discover a repugnance between a signature to this protest, and an affirmative vote on the passing of the bill. I repeat, the paper in question refers solely to the conduct and views of the delegation, as integral and substantive members of a compound body, without any reference to the votes of either of them upon the bill, with which it is no otherwise connected than as the occurrence of the bill in the orders of the day has furnished a fit opportunity for its presentation to the House.

I supported the appropriation for the new treaty, without thereby yielding, or intending to yield, any sanction to the course which had aimed to abrogate the first, and consummate the last, compact. The President and Senate had acted in this affair within their own peculiar province; and upon their own responsibility. The Representatives of Georgia had been, and were, placed in a singular and delicate situation. For one, I thought it my duty to aid in realizing to my State, all the advantages which the second treaty might produce, and at the same time to exercise the consistent right of protesting, in her behalf, as a sovereign community, against any implication of a surrender of the benefits she might be supposed to have acquired by the first. Whatever those rights, against the implied concession of which we ask to be permitted to guard, I hope they will be temperately asserted, and constitutionally secured. The Supreme Court of the United States may be competent to decide the unfortunate contest, if any shall arise. As to the objection to what we claim in this instance, on

the ground of danger of inconvenience from the precedent, I esteem it inconsiderable. No such case had ever before occurred in the history of the country. None such is likely to occur hereafter. I hope the House will accord to us the privilege which we ask.

The question was then taken, and the resolution adopted—ayes 82, noes 61.

FRIDAY, May 12.

*Accounts of Mr. Monroe.*

The House proceeded to the consideration of the bill "for the relief of James Monroe;" which is as follows:

"*Be it enacted, &c.,* That the Secretary of the Treasury be, and he is hereby, authorized and required to cause to be paid to James Monroe, out of any unappropriated moneys in the Treasury, the sum of fifteen thousand five hundred and thirty-three dollars and thirty-five cents, with interest from the third day of December, eighteen hundred and ten, until paid."

Mr. SAUNDERS proceeded to state his objections to several items of the bill, particularly the allowance of \$2,750, for salary, from 1st January, 1797, when Mr. Monroe obtained his audience of leave at the Court of France, till the 20th of April, when he embarked for the United States; also, to the allowance of \$437 68, for contingent expenses, while Mr. Monroe was detained in England, (after the attack on the Chesapeake.) He concluded by moving to strike out the sum appropriated, leaving the blank to be filled with some less amount.

Mr. MERCER advocated, with great warmth, the whole bill, replying, at length, to the objections, and strongly urging the justice of the claim. He eulogized the character of Mr. Monroe, and insisted on the value and importance of his diplomatic services, &c.

The question was then taken on striking out the allowance of interest, and decided in the affirmative, by yeas and nays, 90 to 73.

So the amendment was agreed to.

Mr. SAUNDERS now renewed his motion to strike out the sum appropriated.

Before the question was taken, Mr. LIVINGSTON rose, and said:

Sir: While I feel grateful for the handsome, and I hope I may be permitted to say, the merited eulogium, which the gentleman from Virginia has paid to the character of my deceased brother, I must not omit to rectify one error into which the gentleman has inadvertently fallen, in stating the great services which the late President had rendered to his country—services which no one appreciates at a higher rate than I do, and in the performance of which, part of the debt which we are now about to pay was incurred. In enumerating these services, the gentleman adverted to his special mission for making the Louisiana treaty, and stated that, until his arrival, the resident Minister, with all his exertions, had been able

to effect nothing; that the debts due to our citizens remained unpaid; and he gives us to understand that the acquisition of Louisiana must be attributed to the exertions and diplomatic skill of Mr. Monroe. Now, sir, with the most sincere desire to do justice to the important services that gentleman has rendered to his country, and with the greatest reluctance to say any thing that might seem to operate against the bill for his relief, which I shall support by my vote, and would by my arguments, if I could suggest any more convincing than those which have been so ably and eloquently urged by the gentleman from Virginia; I yet have a duty to perform, which obliges me to give to the House some account of the state of the negotiation with France at the time of Mr. Monroe's arrival. It may, besides the principal object I have in view, be interesting as a historical fact.

The statement made by the gentleman from Virginia, of the hopeless state of the negotiation, is perfectly correct, if applied to a time somewhat anterior to Mr. Monroe's arrival. An indifference to our complaints, evasions of the clearest claims upon their justice, inattention to the most urgent representations, for a long time characterized the conduct of the French Cabinet. Disgusted with all these diplomatic manoeuvres of the Ministers, Mr. Livingston resolved on a bold and unusual measure: the expression of a sincere admiration for the character of the extraordinary man who was then at the head of the Government of France; a prudent resolve to have no political connection with, and to give no countenance to any party there, more particularly to that which, calling itself Republican, naturally looked for aid from the Minister of a Republic. An established reputation for honor and integrity, and celebrity as a man of literature and science, had given him a personal influence with the First Consul, of which he was determined to try the extent. He had studied his character, and thought that, if he could enlist the military pride and love of fame which entered so largely into the formation of that character, on the side of justice, that much might be done. Leaving, therefore, the beaten route of official notes to Ministers, he addressed the principal himself. He made a short and plain, but forcible, statement of the claims of our citizens; he showed the injustice that had been done to them; he adroitly availed himself of the national interest that had been excited in favor of France; showed the value of the supplies (on which some of our claims were founded) to her colonies; contrasted the confidence and good faith of our citizens, with the rapacity and infidelity to engagements, with which they had been received, and the anticipated payment of our engagement to France, with her delays, and refusals to do us justice; hinted at the advantage which England might make of the unfriendly disposition which such conduct was calculated to excite; and con-

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cluded with a short appeal to the feelings of the First Consul, on those points in which he knew he could most sensibly be touched—his personal reputation, the dishonor of breaking engagements he himself had made, the reputation to be acquired by a strict performance of contracts, and the necessity of preserving the word of a soldier and a man of honor. After urging these considerations, in the strongest manner, it was suggested that, if the embarrassments of the Treasury, naturally resulting from a long and expensive war, just then closed, and the prospect of its renewal, should render the payment or the funding of the debt inconvenient, that means might be found, (evidently pointing to a purchase of Louisiana,) which would not only satisfy our claims, but relieve some of the exigencies of the State. To this was added, the risk of losing the colony, if war, then daily expected, should again break out. These, with other considerations, were strongly urged in the letter. This address, although not in the usual course of diplomacy, was well received, and seems to have had the effect that was expected: for a communication was immediately made to the Minister, in which none of the usual evasions or subterfuges were resorted to: it contained an explicit promise that the American claims should be honorably adjusted and speedily paid. To prevent speculation, as well as to create an additional tie on the French Government, Mr. Livingston immediately gave notice to the agents of the claimants in France, that he had received a promise, on which he relied, for their payment; and at the same time wrote to the United States, giving a similar notice, desiring it to be made public, and advising the creditors not to part with their debts. This was in the latter part of February or the beginning of March. Mr. Monroe did not arrive in Paris until the 12th of April following. After this promise of payment, Mr. Livingston did not cease to urge its fulfilment, and, besides the usual and obvious arguments contained in his former notes, he stated that he had the personal engagement of the First Consul, on which he had so much relied, that he had committed himself to his countrymen for its punctual performance; that the season for evasions and delays was past; and that he had the fullest confidence in the honor and faith that had been pledged for doing justice to his countrymen. Thus urged for the performance of a promise which he himself considered as an honorable one, but without the means of performing it in one way, the First Consul resolved to comply with it in the other, that had been suggested by the Minister; and there is the strongest reason to believe that a resolution to sell was taken in Council some days before Mr. Monroe arrived in France; but what is certain, is, that the day before his arrival in Paris, the cession of Louisiana was proposed to Mr. Livingston, by Talleyrand. Mr. L. had then heard, either that Mr. Monroe had arrived

at Havre, or was hourly expected, with powers on that subject, and, of course, declined any explicit answer until he should arrive. Talleyrand then pretended that he spoke without authority. But, within two days after, so urgent was the French Cabinet to conclude the sale, that one of the French Ministry, an old and intimate friend of Mr. Livingston, called on him the day or the day after Mr. Monroe's arrival, but before he had presented his credentials, before he had taken, or could take, a single step in the negotiation, and explicitly offered, by authority of the First Consul, to cede the province, for a sum very little beyond that which was afterwards agreed to be given by Mr. Monroe and Mr. Livingston. The way was paved for this important acquisition, by official notes, indirect communications, and printed essays, showing the little value of Louisiana to France, the question that would arise with the United States relative to the navigation of the Mississippi, and the right of deposit secured to us by Spain, and the certainty of its conquest, if the war should be renewed with Great Britain. So that, when Mr. Monroe's health permitted him, after his arrival, to take part in the negotiation, every thing was done, but fixing the price. In this he co-operated with Mr. Livingston, and they produced a diminution from 12,000,000, exclusive of our own claims, which was the sum demanded, to 1,000,000, also exclusive of those claims. The results of that treaty have been most beneficial to the United States. The measures and arguments which led to it, have frequently been detailed to me by my deceased relation. He foresaw the advantages that must result to this country from the acquisition, and he felt an honest pride in having been instrumental in obtaining it.

The question was then put on striking out, and decided in the negative—ayes 50, noes 92.

The question then recurring on ordering the bill to a third reading, it was taken, at the request of Mr. Long, by yeas and nays, and decided in the affirmative—ayes 103, noes 57.

So the bill was ordered to be engrossed for a third reading.

The House then adjourned, to meet at six o'clock. The remainder of the day was spent in the discussion of private bills.

TUESDAY, May 16.

*Bahama Banks, Florida Reefs, and Hole-in-the-Wall.*

The House proceeded to the consideration of the resolutions offered yesterday by Mr. LIVINGSTON, viz:

"Resolved, That the President of the United States be requested to inform this House whether any engagement has been made with the Government of Great Britain, in consequence of the resolution of this House, of the 23d December, 1823, requesting that a negotiation should be opened for the cession of certain Keys on the Bahama Banks."

"*Resolved*, That the President be requested to open a negotiation with the Spanish Government for the cession of a proper situation for a Light-House on one of the Double-Headed-Shot Keys, to be used solely for the purpose of such Light-House."

Mr. FORSYTH asked for a division; and the question was accordingly stated on agreeing to the first of the resolutions.

The first resolution being under consideration—

Mr. LIVINGSTON said, that it grew out of a measure adopted on the 28d December, 1823, on which day, two resolutions, which he had the honor to propose, were adopted by the House. By the first, the President of the United States was requested to open a negotiation with the Government of Great Britain, for the cession of a part of the island of Abaca, near a place called the Hole-in-the-Wall, for the purpose of erecting thereon a light-house, and to be used solely for that purpose, and also for leave to place buoys on the Bahama Banks, for the purpose of marking the ship channel across them. In consequence of this resolution, the President gave instructions to Mr. Rush, our Minister in London, who immediately made the application; but, contrary to every reasonable expectation, it proved a fruitless one. Immediately after the acquisition of Florida, the Congress of the United States made provision for building light-houses and stationing floating lights, fixing beacons and anchoring buoys, along the dangerous coast of Florida, which forms the north and the west limit of the Gulf Stream, at the point where the irregularity and rapidity of its current makes it most dangerous. The advantages of these measures were not confined to our own navigation; that of all the world, trading to the West Indies, and to the ports of Mexico, were equally benefited by them; but no nation enjoyed this benefit in a greater degree than Great Britain; all her homeward trade returned through the Gulf; that trade was of immense value, and it was therefore reasonable to expect that, in consideration of our lighting one side of this dangerous passage, at our expense, she would make no difficulty of ceding to us a few yards square of barren rock, on which we might expend other sums of our own money, in making similar establishments on the other side of the passage. Contrary to every reasonable expectation, this was denied; but we were told that, if we would agree to pay them a toll, they would build the light-houses themselves. This, as they must have known, was, without hesitation, declined; and here the negotiation, as the result was communicated by the President to the House, rested.

The object of the first resolution, Mr. L. stated, was, to know whether any further progress had been made since that time. If, said Mr. L., it shall appear that Great Britain should persevere in the narrow, contracted policy, which dictated her answer to our application—

if money is her object, it must be furnished; not in the shape of toll, that would be too degrading; but a sum in gross, equal to the cost of the buildings, and to the capital sufficient to produce an interest equal to the annual cost of supporting them, must be paid; and the House, on seeing such a state of things, would undoubtedly provide the necessary funds. Our increasing commerce in that quarter, renders it necessary that the outward bound passage, near the Banks, as well as the homeward course, through the Stream, should be lighted like a street. Let Great Britain, if she thought it consistent with her dignity, enjoy this advantage, at our expense. It is one we must incur, not only for the interest of our commerce, but for the greater one of humanity; and it would be no drawback on the satisfaction we must feel, from a knowledge that, by our care and at our expense, hundreds of valuable lives were saved—it would be no diminution, I say, of pleasure, this circumstance must afford, that many of those thus saved were subjects of the power that churlishly refused to concur in a work, equally demanded by humanity and interest. It would, perhaps, diminish the profits of some seventy or eighty owners of wreckers, and force some five or six hundred black or white British Bahama sailors to find other employment. But I cannot, sir, I will not, believe that this contemptible interest had any influence upon the measures of the English Government—I rather wish to believe that the subject was not fully understood, and that we shall soon hear that an answer, more conformable to the good intelligence that reigns between the two powers, has been given. I will only now remark, that the United States has provided for the erection and support of four light-houses and one floating light, besides buoys and beacons, on our side of the stream, and that all we desire is the liberty to erect one on a bare rock, on which nothing but a sea-bird can at present rest.

While I am up, in order to avoid again troubling the House, I will say a word or two on the subject of the second resolution, although it is not immediately under consideration. At the point where the Gulf Stream (which to this place preserves an eastwardly course) turns to the north, there are certain bare rocks, without a rood of earth upon them; some nearly level with the sea, others rising abruptly a few feet above it; separated from each other by very narrow but deep channels, and from the Bahama Banks by a wide, navigable passage, and from a sandy island called Key Sal, by a very narrow one. These rocks are called the Double-headed-shot Keys. Their position renders them extremely dangerous to navigation in their present state; but, at the same time, would make them an invaluable point of departure, if one of them was crowned with an elevated light.

At the time, before referred to, I had the honor of drawing the attention of the House

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to this position, and they passed another resolution, founded on the situation and nature of these rocks, unoccupied and unfit for occupation for any other purpose but that of a light-house, separated from the banks and islands by a deep channel—and they directed the Secretary of State to inquire whether they might not, according to the laws of nations, be taken by the right of occupation, and used for that purpose. In answer to this, we got no opinion, but a correspondence between Commodore Porter and the Captain-General of Cuba, by which it appears that the Double-headed-shot Keys were claimed by Spain, as an appendage to Key Sal; and, from the friendly disposition shown by that correspondence, it was hoped that Spain would prove more accommodating than Great Britain had shown herself on a similar occasion; and on this, was founded the second resolution.

Mr. L. said he was sure he need not urge the importance of the subject embraced by these resolutions, not only to the port he represented, but to the whole commercial interest of the Union. They had repeatedly shown that they felt this importance, and had acted, in consequence of it, precisely in the mode pointed out by these resolutions. It was in evidence before the House, that, in the last year alone, more than half a million of property, and many valuable lives, had been lost in this navigation, which, from being one of the most dangerous, could be made, by proper precautions, the most safe on the ocean.

The first of the above resolutions was then agreed to.

The second of these resolutions being under consideration—

Mr. FOSYTH said, the resolution related to a subject no doubt of interest to the section of the country represented by the mover, and to the navigators along the coast of the Gulf of Mexico. There would be no doubt of the propriety of Executive attention to it, but Mr. F. believed it was altogether irregular for the House to *request* the President to exercise any of his constitutional powers. It had been done, it was true, but very unprofitably. If we can properly request the President to negotiate in small matters, we can in great; if we can request him to negotiate with foreign powers, we can request him to perform any other of his Executive duties; remove an obnoxious officer; place a particular and favorite construction on an act of Congress; appoint a favored person to a vacant office, &c. It had even been doubted in the House, during the session, whether we could properly express an opinion on particular subjects of foreign intercourse. Mr. F.'s doctrine on this point had been fully explained, but, as he had been grossly misrepresented, he would state, in a word, what it was. The power of the House to express its opinion, was undoubted. Mr. F. thought it never should be exercised, to urge the Executive to negotiation. There was always a sufficient proneness to act

in the Executive; it should be exerted to restrain Executive action, when it threatened injury to the public.

The second resolution was then also agreed to.

THURSDAY, May 18.

*The Late Commodore Perry.*

Mr. PETER offered the following:

*Resolved*, That the Secretary of the Navy be instructed to cause the remains of Commodore Oliver Hazard Perry to be removed from the island of Trinidad, in a public vessel of the United States, and to have the same conveyed to Newport, in the State of Rhode Island.

The question of consideration being demanded, it was decided in the affirmative.

Mr. PETER, in submitting the resolution, observed, that, as a gentleman from South Carolina, before him, had received a letter from the widow of Commodore Perry, written subsequently to the report of the Committee on Naval Affairs, in which that lady had expressed the most anxious desire for the removal of the remains of her husband to the soil of that country whose fame he had so highly honored and enriched, he hoped that the resolution would now pass without opposition.

Mr. HAMILTON said: I rise, sir, for the purpose of confirming what my friend from Maryland has stated to the House. It is true that I have received a letter from the widow of our lamented Perry, and I wish it were in my power, without violating the sacredness and seclusion of those griefs I am bound to respect, to read this letter to those who now hear me: for it would not only show the keen solicitude with which she cherishes the accomplishment of the purpose of the resolution, but of what sort of eloquence *that* is, which springs from the sorrows of a widowed heart.

I hope that the House will indulge me with one word more. The Committee on Naval Affairs, to whom the resolution was referred which the gentleman from Maryland offered some weeks since, appear not to have comprehended the object which we had in view. My friend and myself knew, perfectly well, that, as neither legislation nor appropriation was required, it was fully within the competency of the Secretary of the Navy to have ordered some one of the vessels attached to the West India squadron to touch at Trinidad, and there to receive the remains of our countryman, that have so long lumbered under the protecting chivalry and veneration of those who were once that very enemy whom, for us, he conquered. But, we confess, we had a higher aim. It was, that this removal should not be done in secrecy, as a mere offering to private affection, but as a token of public gratitude and esteem; that we might obtain a distinct and feeling expression of the sentiments of this House; that we might here say to the Secretary of the Navy, go on, and discharge the duties of this pious office: for the little bark, however humble it

may be, which sails in quest of remains as dear to this country as those of Patroclus to the son of Peleus, carries, with the cypress around its banner, the sorrows and the sympathies of a whole people.

I know, sir, that a cold philosophy tells us, it matters not where the poor dust, of which this body is composed, moulders into a clod of the valley; but the instincts and affections of the human heart instruct us in a more amiable and gratifying lesson. The spot which holds the ashes of the great and good man is not alone a landmark where private affection may pour forth even "the luxury of its woe," by cherishing such memorials "for secret looks and solitary enjoyment," but it is as it were a living school, where patriotism may learn something of its duties, and virtue some of its rewards. It is not, therefore, for the sole purpose that his widow may be permitted to weep over the urn of her departed husband—that the parent who gave him birth, stricken with grief and age, may bend over his tomb, and, in the bitterness of her heart, deplore the sad reversal of the order of nature, that had called her to mourn over the loss of such a child—or, that even his sons may lay their heads upon the verdant sod that rests upon his bosom, and, at once, in the sorrows of their bereavement, and in the pride of his name, bless the Almighty God that he had made him such a man. No, it is, that the grave of Perry may become one of the shrines of our country, where those who start in the race of honor and glory may go to pay their fond and useful pilgrimages—that they may learn how noble efforts are to be made, how the glorious palm is to be won.

Let us, then, give our cheering sympathy, with cordial unanimity, to this too long neglected purpose, and restore the ashes of our friend to that beautiful island, the spot of his birth, where they may sleep, guarded by the valor, and cherished by the gratitude of its people.

The resolution was agreed to.

#### *Non-Residents' Land in Arkansas.*

Mr. STROM moved to discharge the Committee of the Whole from the bill "concerning lands in the Territories of the United States, belonging to non-residents."

The motion prevailed; and the question being on ordering the bill to its third reading—

Mr. CONWAY said he was sorry that the bill before the House had been called up out of its order. It was not expected by him, and he was, therefore, not prepared, at this moment, to present to the House his objections to its passage. Those objections could not be made properly, without a particular reference to the revenue laws of Arkansas; and he had not them here: they were at his room among his books.

Under these circumstances, said Mr. C., I can only submit to the House, in general terms, what I have to say upon the subject. The first and greatest objection that I have to the pro-

posed law, is, that it will derange the whole revenue system of Arkansas, and consume, in its operations, the whole tax on non-resident lands; or throw upon the proprietors of those lands an expense much greater than they have now to pay. By the laws of Arkansas, the assessment is made in January of each year, and the sheriffs of the counties enter into bonds to collect and pay over the taxes to the Treasurer, and to settle with the Auditor by the first of December; and, if the tax on lands cannot be collected, without doing so, the sheriff is authorized to sell as much of the land as will pay the amount due, the sale to take place on the first Monday of November; sixty days' notice being given of the sale, by publishing a list of the lands in some newspaper in the Territory. Lands thus sold are redeemable for twelve months from the day of sale, by refunding to the purchaser his money, with interest, and one hundred per cent. per annum.

By the organic law of Arkansas, all the military bounty lands are exempt from taxation for three years, from the date of the patent, and not one tract has ever been sold under four years, from the date of the patent; and yet the Territory is charged with being cruel and oppressive in its revenue laws.

The General Assembly meets but once in two years: its last session was in the month of October of the present year. Pass this bill, and an extra session must be held to change the revenue laws to suit its provisions. This will cost some five or six thousand dollars—a sum which the Territory is unable to pay.

When the Committee on the Territories was instructed by a resolution submitted by the honorable gentleman from Connecticut, (Mr. TOMLINSON,) to inquire into this subject, I submitted a resolution, which was referred, by order of the House, to the same committee, to inquire into the expediency of making an appropriation to defray the expenses of the Legislative Department of Arkansas. The report of the committee, it will be recollected, was unfavorable; and yet an appropriation is made annually of more than five thousand dollars to meet similar expenses in Michigan and Florida. How it happens that this spirit of favoritism exists, I cannot tell. The General Government has never paid one cent of the expenses of the Legislative Department of Arkansas; the whole has been thrown upon the people of that Territory; and now it is proposed to add to that expense, by compelling the Territory, at an unreasonable time, to change its laws.

One provision of the bill before the House is, that the lands of non-residents, on which taxes have not been paid, shall be advertised once a week, for six months, in some newspaper in the Territory. This single provision will create an expense of about three dollars twenty-five cents per tract; the tax is two dollars and forty cents; and another part of the bill proposes to give to your agent one dollar as a fee for redeeming the land after it is sold: these

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*The New Creek Treaty.*

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sums, added together, make six dollars sixty-five cents tax on each quarter section of land, per annum. If this was all, it might be borne, perhaps, by the land proprietor without complaint; but your law will create other expenses which must be paid by him. You require the Government to transmit to this place a list of the lands taxed, and of those sold annually for taxes. Some person must be employed by the Territory to perform the labor of preparing those lists, and that person must be paid for his services. The agent, too, who is to reside at the seat of the General Government, is to receive three per cent. of the amount collected by him. Now, sir, put all these sums together, and it shows, conclusively, that your law will, in its operations, as I have before stated, consume the whole of the tax on non-resident lands, or throw upon the proprietors of those lands a great additional expense, which I should consider unjust and cruel on your part.

These objections alone ought, I think, Mr. Speaker, to induce the House to reject the bill; but there are others which should be conclusive in bringing the minds of the members to that determination. It is novel and unprecedented in its character. I will ask you, sir, when did Congress before dream of appointing a Collector of the Revenue for a Territory, to reside fifteen hundred miles from the Territorial seat of Government; and who, in his character as an officer, is to be perfectly independent of the Territory? It must be answered, that nothing of the kind was ever proposed until it was thought of for Arkansas. What would become of your law and your agent, if the Territory was to exempt the lands of non-residents from taxes? This power it certainly possesses: or do you claim the right to compel the Territory to continue the tax, to give your agent business and fees? I cannot think that such a claim will be set up, when it is known that you cannot, by a law of Congress, tax the people of a Territory without their consent: and here, on this floor, they are not allowed to vote.

The General Assembly of Arkansas might, I say, with propriety, appoint an agent, to reside at the seat of the General Government, or at any other point in the Union, to collect taxes from non-resident proprietors of lands in that Territory; but it appears to me that Congress cannot, with propriety, do so. You can, sir, exempt those lands from taxes altogether, if you choose to do so; and I should greatly prefer such a law, provided you will appropriate money out of your Treasury to meet the expenses of the Legislative Department of the Government of Arkansas. The bounty which you gave to your soldiers for their services in the late war, was a *national* one; and any extraordinary indulgence which is granted to them now, should also be *national*, and not at the expense of a few thousand inhabitants of one of your remote Territories. Pass a law making it the duty of the Commissioner of the

General Land Office to receive the taxes on non-resident lands, without expense to the Territory or to the land proprietors, and I shall be satisfied. But, to a law so injurious to the interests of the Territory and to the soldier, as I think this will be, I can never consent; and I therefore move to lay the bill upon the table.

The motion was negatived.

After some amendments offered by Mr. STRONG,

The bill was further opposed by Mr. VANCE; who moved its postponement until the next session.

This motion was negatived.

Mr. SCOTT now renewed the opposition, and closed his speech with a motion to postpone the bill to Monday next.

Mr. CONWAY urged the postponement: but it was negatived, and the bill was ordered to its third reading this day.

FRIDAY, May 19.

*Accounts of Mr. Monroe.*

The amendment of the Senate to the bill "for the relief of James Monroe," being taken up, and the question being on concurring with the amendment of the Senate, which goes to increase the amount of appropriation from \$15,583 to \$29,518, Mr. WHITTLESEY demanded the yeas and nays, which were ordered by the House, and were—Yeas 64, Nays 66.

So the amendment of the Senate was disagreed to.

SATURDAY, May 20.

*The New Creek Treaty.*

Mr. DWIGHT, from the Committee of Conference, on the part of the House, on the disagreeing vote of the two Houses, on the bill "making appropriation for carrying into effect the treaty concluded between the United States and the Creek nation of Indians," made a report; which was ordered to lie upon the table.

Mr. FORSYTH said: A stupendous fraud, it seems, was intended by the delegation who had formed, with the Secretary of War, the new contract. The chiefs composing the Creek diplomatic train, assisted by their Cherokee Secretaries of Legation, had combined to put into their own pockets, and those of a few select friends, somewhere about three-fourths of the first payment to be made for the second cession of the lands lying in Georgia. The facts connected with this transaction, although concealed from the Senate when the second contract was before them for ratification, and from the House when the appropriation bill to carry it into effect was under consideration, were perfectly understood at the War Department by the Secretary, and by his clerk, who is called the Head of the Indian Bureau. The Senate having, by some strange fortune, discovered the intended fraud, after the ratification of the contract, and before they acted on



the appropriation bill, wished, by an amendment to the bill, to prevent the success of the profitable scheme of villany. The House, entirely ignorant of the facts, and not suspecting the motive of the amendment, had rejected it, insisted upon their disagreement to it, and a Committee of the two Houses, as usual, had conferred on the subject. Now, that the facts are ascertained by the separate reports of the committees, there can be no difference of opinion on the great point of defeating the intended treachery of the delegation and secretaries to the Creek tribe. The only matter which can bear discussion, is, how shall the treachery be punished?—how shall the Creek tribe be protected from the abominable designs of their worthless and unprincipled agents? Will the amendment proposed by the committee reach their object? The plan is, to pay the money to the chiefs, to be divided among the chiefs and warriors, under the direction of the Secretary of War, in a full council of the nation, convened for the purpose. Suppose the council in solemn session, the money before them, and the division about to be made, under the direction of the Secretary of War—may not the chiefs and their secretaries claim the money, as promised to them under the treaty, and how will the Secretary or his agent resist the claim? To show how the claim would stand, Mr. F. called the attention of the House to the statement from the Indian Bureau. Mr. F. regretted that the godfather of this new office had given it a Parisian name. It would be seen, if gentlemen would take the trouble to run their eyes over the statement, that Messrs. Ridge and Vann, sometimes called Clerks, at others Secretaries, to the Creek delegation, two Cherokees, paid by the United States to take care of the interests of the Creeks against the United States—(Mr. F. could not help thinking that it would have been quite as decent, and somewhat more economical, to have detailed a clerk or two from the War Department, to perform that service)—made known the intention of the chiefs to require reservations of land for them. This was “rejected promptly,” but “they were told by the Secretary, that, although no locations would be allowed, a fair equivalent, in money, might be added.” Money, however, they replied, “was no object.” As land could not be had, they finally agreed to take money, ten thousand dollars each. “They were, however, put right, by an assurance that no such sum was intended, nor could be thought of; and that five thousand dollars each, was the extent that could be allowed.” They assented—the House will perceive that the only difficulty was the amount of the bribe. The Secretary was willing to go as high as five thousand dollars, but could not stretch to ten thousand dollars. Notwithstanding the assent of the Cherokees, and the declaration of the Secretary, that five thousand dollars each was the extent that they could be allowed, Ridge and Vann, after the

treaty was signed, and before it was acted on by the Senate, or submitted to that body, brought a paper, the precious list of the price of each traitor, for the inspection and information of the Head of the Bureau and the Head of the Department; and what answer did they receive from both? The Head of the Bureau said it was their own affair. The Secretary said he presumed it was their own affair. And, however proper a more general equalization of it through the nation might be, he supposed it must rest with them. Had these two head advisers forgotten the assent of the Creeks to receive five thousand dollars each, and their own assertions that no more could be allowed? But I ask this House, if the engagement for the five thousand dollars, and the list of the sums to be distributed, may not be claimed as part of this new contract? If these persons have not a right to claim, in the face of the tribe, these sums, as promised to them by their Great Father? Ay, sir; and, if they are powerful enough in the tribe, they will enforce their claim. Under what pretext will your Secretary of War direct a different disposition or division of the money, after his often repeated declaration, “it is their own affair”—the affair of the delegation? Yes, sir, so happily has this business been managed, at the seat of Government, under the Executive eye, that this division which the negotiators proposed to make of the spoil, may be termed a part of the consideration of the contract. It must be confessed that these exquisite ambassadors were quite liberal to themselves, their secretaries, and particular friends: one hundred and fifty-nine thousand seven hundred dollars, to be divided among some twenty persons, is pretty well! What name shall we give to this division of money among them? To call it a bribe, would shock the delicacy of the War Department, and possibly offend those gentle-spirited politicians, who resemble Cowper’s preachers, “who could not mention hell to ears polite.” Let us borrow a term from foreign language, and call it a *douceur*, or an *empeno*. Call it what you will, every honest mind must be struck with the desperate infamy of the transaction. It cannot be contemplated without horror at the depravity of the savages, and indignation at the criminal imbecility of the Administration. Your Secretary of War made no effort beyond advice, dwelling on the danger, not the turpitude of the scheme, to prevent this detestable conspiracy against a dependent and distant tribe. Why did he not drive the reptiles from his presence—send them back to the nation; expose their villany; and appeal to the tribe itself for the fulfilment of such an arrangement of the old contract, as would have been just to them, satisfactory to Georgia and Alabama, and honorable to the United States? Who can doubt that this manly and direct course would have secured the respect and gratitude of the tribe, and a ready acquiescence in the wishes of the Government? But no, sir; such an

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idea does not appear to have passed through the brains of the War Department. It would have deprived the Administration of the glory of settling the unfortunate controversy, by an "arduous and anxious negotiation." It would have vindicated the character of the murdered McIntosh, and of the calumniated Commissioners of the United States. It would have insured the punishment of the treacherous delegates, and the pet Cherokees, their guardians and secretaries. None of which were within the scope of the policy of the Executive. The transcendent criminality of this design cannot be well understood, without recalling to recollection the dark and bloody scenes of the year past. The Chief McIntosh, distinguished at all times by his courage and devotion to the whites, deriving his name of the White Warrior, from his mixed parentage, had formed, with his party, the treaty of the Indian Springs. He was denounced for it. His midnight sleep was broken by the crackling flames of his dwelling burning over his head. Escaping from the flames, he was shot down by a party acting under the orders of the persons who accused him of betraying, for his own selfish purposes, the interests of the tribe. Those who condemned that chief, the incendiaries and the murderers, are the negotiators of this new contract; the one hundred and fifty-nine thousand dollars, is to be the fruit of their victory over the assassinated chief. What evidence of fraud, and selfishness, and treachery, has red or white malice been able to exhibit against the dead warrior? A reservation of land for him, in the contract of 1821, was sold by him to the United States, for twenty-five thousand dollars; a price he could have obtained from individuals, if his title had been deemed secure. This sale of property given to him by the tribe, was the foundation of the calumnies that have been heaped upon his memory, and the cause which, in the eyes of our Administration, newspaper editors, scribblers, and reviewers, justified his execution. Now, sir, the executioners are to be rewarded by pillaging the public Treasury. I look with some curiosity for the indignant denunciations of this accidentally discovered treachery. Perhaps it will be discovered that all this new business of the Creeks is "their own affair," with which the white editors and reviewers have nothing to do. Fortunately, Mr F. said, Congress had something to do with this affair. We owe a justice to the tribe. This amendment, he feared, would not do justice. The power of Congress should be exerted, not only to keep the money out of the hands of these wretches, but to secure a faithful and equal distribution of it among the whole Creek nation. The whole tribe hold the land; their title by occupancy resides in all; all are rightfully claimants to equal portions of the price of their removal from it. The country is not aware how the Indian annuities are distributed, or the moneys paid to the tribes disposed of. They

are divided according to the discretion of the Indian Government, completely aristocratically—all the powers vested in a few chiefs. Mr. F. had it from authority he could not doubt, that the Creek annuities had, for years past, been divided in very unequal proportions, not among the twenty thousand souls of which the tribe was believed to be composed, but among about one thousand five hundred chiefs and warriors. Our committee express great unwillingness to go counter to the treaty—the treaty—the treaty! Are not this tribe dependent upon us? And shall we, while we never hesitate to legislate about their commercial intercourse—their conduct to the whites—be deterred by this cry of "Treaty," from protecting them from the violence, the injustice, or the frauds, of their petty tyrants? But it is only for the new treaty such solemn regards are felt. That formed here, is a sacred affair—that formed at the Indian Springs, had no such hallowed character. Strange, sir, that the President and Secretary of War, with regard to the old contract, should exercise, with impunity, a latitude of construction the Representatives of the people fear to use, even to prevent fraud, under the new! Strange, that the Senate, a branch of the treaty-making power, should be willing to legislate more boldly than we, who have no power but legislative, over the subject!

There is an expression or two in the report of our committee, which deserved notice, as it was calculated, however without intention, to mislead the people. It is said, by the committee, that the reservations of land wished by the Creek Delegation and the Cherokee Secretaries, were refused by the Secretary of War, and that their efforts were afterwards confined to benefit themselves and friends by a distribution of the money, over which the Secretary had no other control than is to be found in the third article of the treaty. From this, the public would infer, that it was the deficiency of power in the Secretary which prevented him from refusing the money, as well as the land. The committee had not distinguished accurately, or inquired why the reservations were not allowed. They were not allowed, Mr. F. presumed, because Georgia denied the authority of the General Government to make them within the State, and Congress had sustained this doctrine of the State. Former reservations had been bought up at large prices, in consequence of an application from the State. But for this, the Secretary had the same power to refuse or to promise land to the Creek negotiators, as money. The money was offered and accepted as an equivalent for the land asked for, at least the five thousand dollars a head. With regard to the list, the arrangement proposed by it was a gross departure from the provisions of the contract, which both duty to the United States and to the Indians, required the Secretary to prevent. His power for that purpose was ample; yet, we see the Head of the Bureau, (Mr. Thomas L. McKinney,) while re-

fusing the request of the conspirators, to have the money counted and divided, and sealed up in the Department, suggesting how it could be done without scandal—"the cashier of the bank would, no doubt, oblige them by seeing it so counted and sealed"—affording all possible facilities to their arrangements. There is something in the Secretary's letter of the 15th May, to the Committee of Conference, that merits a passing remark. He says: "For, although I was advised, as Colonel Benton is aware, to approach the influential chiefs with secret gratuities, justified, as it was urged, by the usages of the Government, I peremptorily refused to do so; and determined that, whatever was given as the price of the land, should appear on the face of the treaty." Now, Mr. Speaker, what mighty difference can any honest mind discover between these secret gratuities, which were peremptorily refused to be used, and the five thousand dollars a-piece, promised by the Secretary to these savages, and the payment of which, to them, was intended to be kept secret? Where is the stipulation for the payment of these five thousand dollars in the treaty? It was to be taken out of the gross sum, as was also the balance to make up the one hundred and fifty-nine thousand seven hundred dollars, and no one was to know, but the Secretary of War, the Head of the Indian Bureau, and the parties profiting by the arrangement, what became of it. I am no casuist, said Mr. F., in these nice questions of delicacy, but, to me, it appears, this affectation of fairness, to cover fraud, this pretence of acting openly and above board, when such strange things are closely kept in the dark, are quite as worthy of peremptory refusal, as the use of secret gratuities, aye, and quite as offensive to the moral sense of the people.

Before taking his seat, he asked the indulgence of the House, while he made a few comments on this list of worthies, and the prices to be paid to each. At the head of the list stands Mr. Ridge, with the sum of \$15,000 opposite to his elevated name. This man is no Creek, but a Cherokee, educated among the whites, allied to them by marriage—has received lessons in Christianity, morality, and sentiment—perfectly civilized, according to the rules and customs of Cornwall. This negotiation, of which he has been, either as actor or instrument, the principal manager, is an admirable proof of the benefits he has derived from his residence among a moral and religious people. Vann, another Cherokee, half savage and half civilized, succeeds him with \$15,000 bounty. A few inches below comes another Ridge, the Major, father to the Secretary—a gallant old fellow, who did some service against the hostile Creeks, during the late war, for which he deserved and received acknowledgments—but what claims he had to this Creek money, Mr. F. could not comprehend. Probably his name was used merely to cover another gratuity for the son, whose modesty would not permit him

to take more than \$15,000 in his own name. These Cherokees were together to receive \$40,000 of Creek money, and the Secretary of War is of opinion it is quite consistent with the contract, which provides for the distribution of it among the chiefs and warriors of the Creeks.

Mr. F. said he had, on a former day, shown what influence had been exerted by the Cherokees in the Creek nation; their insolent interference between the United States and the neighboring Indians, which led to the defeat of the projected contract at Broken Arrow, and to the death of McIntosh. To this intermeddling spirit of the Cherokees might be traced the selection of the Cherokee secretaries. It was not to have been anticipated that the real and selfish motive of this intermeddling would be so soon and so palpably established. This Cherokee influence in the Creek nation is so strong, that the payment of their \$40,000 will be made, unless Congress act decisively to prevent it. Look, sir, at the distinction made for these exquisites. Yopothle Yoholo, whose word General Gaines would take against the congregated world, is set down for but \$10,000. The Little Prince but \$10,000. Even Menawee, distinguished as he is as the leader of the party who murdered McIntosh and Etome Tusunnuggee—as one of the accursed band who butchered 800 men, women, and children, at Fort Mims—has but \$10,000. A distinguished Red Stick, in these days, when kindness to Indians is shown in proportion to their opposition to the policy of the General Government, might have expected better treatment—only ten thousand dollars to our enemy in war and in peace!

Mr. DWIGHT observed, in reply to Mr. F., that the House was now substantially debating whether it would carry into effect a treaty, constitutionally made by the President of the United States, and whether it would or would not invade the limits of the treaty-making power. The Senate had made an amendment to the bill as at first proposed, which required that the money paid under the treaty to the Creek Delegation, in this city, should be distributed to the nation as annuities are distributed; but the treaty said that the money was to be paid to the chiefs and warriors, and the Senate had no power to say that the money should be paid, per capita, to all the members of the nation, in the manner that annuities are paid to them. The House knew very well that they could not violate the treaty. It was, therefore, proposed by the House, that the money should be paid in full council, to the members of the Creek nation, not on the principle of annuities, but on that of the treaty. The treaty could not be altered by Congress; and the act to carry it into effect must conform to its provisions; but, instead of paying the money here, where its operation would be to corrupt the delegation, and to defraud the body of the nation, it was proposed that it should be paid in the midst of the nation, after due notice given, that they might convene to re-

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ceive it. The honorable gentleman from Georgia thinks that the amendment will not effect this object. I am of a different opinion; but we agree perfectly as to the justice of securing the payment of the money to those for whom it is intended. The gentleman supposes that the Senate will adhere to its amendment, but they appointed a Committee of Conference; and when that committee got the ultimatum of the House, they reported it to the Senate, and the Senate, by a large majority, agreed to accept it. If we shall now reject the report, we shall reject the proposition of our own conferees, to which the Senate have acceded.

There may have been, as the gentleman believes, a stupendous fraud contemplated. I am not in full possession of the facts of the case. It does not, however, appear to me so very surprising, that two Indians, not themselves members of the Creek, but of the Cherokee nation, should demand to be paid for performing the duties of diplomacy for the Creeks. They are educated men, competent to perform those duties, and they have performed them. Have they not a right to ask compensation? What is the nature and extent of the evidence of this stupendous fraud? I do confess, that on some other points connected with this affair, my mind misgives me; but, as to these Cherokee agents, did not our own diplomatic agents receive \$18,000 for their services, on a mission to make a treaty? and have these agents of the Creek nation no right to stipulate for \$15,000? When the Secretary was urged to give a douceur to Ridge and Vann, he rejected the suggestion, as proposing a dishonorable course; and, afterwards, when the chiefs had been assembled at his request, he made a speech to them, dissuading them from their intended disposition of the money. There are no circumstances of concealment in the case. The honorable gentleman seems to suppose that there was a discovery; that the Senate, by accident, discovered the true state of the matter; but the House has heard that the Secretary, so far from having any plan or purpose of any clandestine arrangement, disclosed the whole of the facts to the chairman of the committee of this House on Indian Affairs, and this before the ratification of the treaty by the Senate.

When the Indians applied to him to make the division of the money among them, according to a schedule furnished, he told them expressly he had no power to do any such thing, and referred them to the third article of the treaty, in support of the declaration. Here was nothing but the most open and upright conduct.

If the House shall refuse the report of the Committee of Conference, the appropriation must, of course, fall, and the treaty with it; but, if the House shall assent to it, as the Senate has already done, the money will be sent, and the treaty will be carried into effect.

Mr. WICKLIFFE agreed in the opinion, that the Secretary of War was not chargeable with

any improper conduct in the conducting of this affair; but stated facts which went to show that there had been concealment and unfair dealing on the part of Ridge and Vann, as the proposal made by them for a division of the money, according to a certain list submitted by them to the Secretary, was a matter of surprise to Opothle Yoholo, the principal Creek chief, when he was told of it; and he declared that it had been done without his knowledge.

Mr. COOKE (chairman of the Committee on Indian Affairs) confirmed the statement made by Mr. DWIGHT, and stated the circumstances of the interview he had with the Secretary before the confirmation of the treaty by the Senate, in which interview the Secretary had fully informed him of the facts now referred to.

Mr. BURGESS went into a vindication of the conduct of the War Department, in the several stages of the treaty negotiation; and denied all purpose of concealment or indirection.

Mr. OUTHBET said, that, were it even his inclination, the state of his health would not permit him, at this time, to address the House otherwise than with extreme brevity; and he should be believed, when he said, that a strong sense of duty only could urge him to rising on this occasion.

For more than a year past, said he, a violent and unceasing torrent of abuse has been poured on the State I represent—on Georgia—of which I am proud to be, and to pronounce myself, a citizen and a native; whilst developments are this day made, secrets are now transpiring, which must arrest the course of calumny and confound the calumniators.

What has been the charge against Georgia? That she has vehemently claimed the benefit of a treaty alleged to be vitally tainted by fraud and corruption in the negotiators. Whence has this charge originated, or whence derived that weight and sanction which have afforded it a general currency, and enlisted the feelings and the interests of so many in supporting it by calumny, and enforcing it by invective? From the Executive Government of the United States. From this Government, I say, which, on the ground of this charge, has even proceeded to the alarming extreme of procuring the annulment of a treaty which had been solemnly ratified. And what is the important secret so long held from light, and now providentially revealed to-day? Why, that this Executive Government, negotiating, not by intermediate agents, but in its proper majesty, and here, in its own capital, has concluded a new and superseding treaty; has recommended, has strongly urged, has procured its ratification, knowing, and suppressing that knowledge from the world, and from the ratifying body, that the Indian negotiators in this treaty, abominably corrupt, atrociously perfidious, to sate their own abandoned lust of gain, were selling the people whom they represented, and that from the treasury of the United States was to proceed the reward of perfidy, the gratification of

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1. The first step is to identify the problem or question that needs to be addressed. This involves understanding the context and the specific requirements of the task.

2. Next, it is essential to gather relevant information and data. This can be done through research, consultation with experts, or by analyzing existing resources.

3. Once the information is gathered, the next step is to analyze it. This involves identifying patterns, trends, and key factors that influence the outcome.

4. After analysis, a plan or strategy should be developed. This plan should outline the steps to be taken, the resources required, and the timeline for completion.

5. The final step is to implement the plan. This involves executing the tasks, monitoring progress, and making adjustments as needed to ensure the goal is achieved.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete each task.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress to ensure that the project is on track.

5. The final step is to evaluate the results of the project. This involves assessing the outcomes against the objectives and goals and identifying any areas for improvement.

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corruption. So utter were the perfidy and corruption of the Indian negotiators, that they could no longer be considered as representing the people by whom they had been delegated, and who were a thousand miles distant from the scene of negotiation. Of \$217,000, the price of the territory ceded by the Creeks in this treaty, these men had determined to appropriate to themselves \$159,000, leaving to the mass of the Creek people only \$58,000.

But, to prove that no suppression or concealment has been designed, the chairman of the Committee on Indian Affairs having been called on, has just detailed to us a conversation which the Secretary of War held with him in relation to these transactions, voluntarily and before the ratification of the treaty. Ah! but the all-material, the only material circumstance, that which constitutes the essence of the charge now urged, was withheld by the Secretary from the honorable chairman in this same conversation. Not a suggestion was made to the honorable chairman, by the Secretary, of the profligate purpose of the Indian negotiators to appropriate to themselves almost the entire price of the territory ceded by the people whom they represented. Not a hint was intimated of the black list of corruption this morning exhibited to our eyes. Nay, the statement of the honorable chairman does most strongly support the charge of designed suppression. When the Secretary engaged himself in conversation on these transactions, with a gentleman who is in some sort the official organ of this House on Indian Affairs; when he even uttered certain complaints against the Indian negotiators, must not the intended embezzlement by these chiefs; the most important circumstance in the transactions; the all-absorbing complaint against the chiefs, have presented itself of necessity to his mind; ay, must it not have pressed conspicuously to his view, and even attended with some anxious feelings? How is it possible, then, that he should have avoided the mention of it, but in consequence of a predetermination? Well, indeed, might the honorable gentleman from Tennessee declare that, in the communication of the Secretary, he perceived naught to excite his suspicions—since, in that communication, what was innocent only was disclosed; and what was criminal was precisely that which was retained. As to the miserable Indian chiefs, they impudently attempted to make our Government direct co-actors with them in the villany they were perpetrating, by procuring a distribution to be made of the iniquitous plunder in the very office of the War Department, by its officers, and under the sanction of its stamp and seal. Thus were the Indian people at home to be abused with the notion that this division of the price of their territory was directed by the Government here, and thus were they to be overawed into an unquestioning submission to it. Could there be evidenced more deliberate and wicked contrivance of fraud? Fraud, did I say? Base

and detestable treachery! Is this in the nature of a fraud committed on indifferent or hostile persons? No, but agents, charged with the confidence and entrusted with the affairs of a people a thousand miles distant, violate that confidence and betray that trust, and, proceeding to the extreme of human baseness, sell for individual gain—for a price paid to themselves—that people to whom their obligation was of so high and sacred a character. What heightens the strangeness and aggravates the infamy of this extraordinary transaction is, that Indians, who are not even of the Creek people, men of the Cherokee tribe, are to participate in this corrupt division of the price of territory ceded by the Creeks.

Such, then, being the treachery and corruption of the Indian agents, who negotiated this treaty, and such the connivance of the Executive Government here at this treachery and corruption, such its suppression of facts, which disclosed, would have shocked the moral sense of all; would have blasted the credit of the superseding treaty, with the members of that body by which it was to be approved or condemned—what is the idea that presents itself simultaneously to all? Those with whom originated all the abuse and calumny against Georgia, the administrators of the Federal Government, are about to suffer the recoil of their own unworthy inventions. A day of retribution, of dreadful retribution, is come. Even-handed justice returns the poisoned chalice to their lips, who mingled venom in the draught. And what, indeed, is the extraordinary spectacle which now offers itself? In the exercise of some strange and anomalous power, unknown to the constitution, an entire treaty, under the pretence of fraud, has been utterly abrogated, and behold, the self-same Government by which this daring act has been done, are affecting the utmost scruple and delicacy at touching the mere form of a single article in another treaty, when the purpose is to prevent the success of a vile and deliberate fraud—of a damnable treachery. Have I been using any ingenious sophistries or subtle inferences? No: all that I have said is manifest as day. Can any one deny it? Will any one deny it? Does any one deny it?—My strength fails me.

Mr. TATNALL said he did not rise to enter at large into this discussion, as the approximation of the close of the session would seem to preclude this; nor, however strong his feelings were, (and they were strong,) did he rise to give vent to them. In fact, his colleague, who had first risen, had relieved him from the necessity of the one, and his friend who had succeeded him, had, in the burst of his indignation as a Georgian, rendered unnecessary the other. He rose simply to explain why he should vote differently from his colleague first alluded to.

He was as confident as his colleagues could be, that the fondest fraud had been projected by some of the individuals calling themselves a part of the Creek Delegation, and that it was

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known to the Department of War before the ratification of the treaty, and was not communicated by that Department to the Senate, either before or during the pendency of the consideration of the treaty by that body. Mr. T. said he would not, however, for the reasons just mentioned, dwell on this ground, but would proceed to state, that he was in favor of the amendment offered by the Committee of Conference, (and therein he differed from his colleague,) which, whilst it would effectually prevent the commission of the fraud intended, would, also, avoid a violation of the terms of "the new treaty," as it was styled. He, indeed, denied that this was a treaty, and the law of the land, so far, at least, as it conflicted with the provisions of the first, or "old treaty." But, sir, said he, the appropriation bill, an amendment to which is now the subject of consideration, has for its object the execution of this new treaty; and, if it be not for this purpose, it is for no legitimate purpose at all. This House has regarded this substitute for the McIntosh treaty as a treaty, and it cannot, therefore, with propriety, or consistency, disregard its provisions. I united with my colleague in voting against this entire appropriation bill, and I would again do so, if necessary. I denied that to be a treaty, which must be so regarded, if the appropriation contained in the bill were necessary and proper. But, sir, when the question is, not whether the instrument called a treaty is a treaty, but whether we are disposed to amend a bill previously determined upon, to carry into effect that treaty, it is altogether a different thing. At this stage of the matter, the fact is, on all sides, conceded, that this thing which is called a treaty, is a treaty, and that some bill making an appropriation to execute it, is inevitable. This being the case, no amendment of that bill can be made which has a tendency to a disregard of the terms of such treaty. Our object is to prevent the daring fraud which is meditated; but I contend that, in looking to that object, we must be governed by the terms of the treaty under which, and to execute which, this bill has been framed. We have no right to alter these terms. I deny that the Government had a right to set aside the first treaty. This my colleague also denies; and how he can deny this, and yet maintain that the present treaty might be altered by Congress, I cannot understand. It is not that I do not go as far as my colleague. I go farther. I say that this Government not only has no right to alter or do away with a whole treaty, but I also say it has not a right to alter or expunge a single word—a single letter. I do not mean to charge my colleague with inconsistency. I was not aware of his intention to introduce his motion, or of his objection to the report of the Committee of Conference, until after he had risen to address the Chair. I have had no opportunity of hearing his explanations. But, it does seem to me, sir, that, if this anomalous instrument is to be

regarded as a treaty, it cannot be altered, except by the consent of the parties to it, and not even then, if it conflicts with the rights vested by it in a third party. For my own part, sir, I consider Georgia as having acquired vested rights under the first treaty—rights which the General Government constitutionally could not, and, standing as things *now do*, will not, dare to touch, or attempt to destroy. If, however, the strong arm of power shall be raised against the rights of my native State—if force shall be resorted to to prevent the execution of the old treaty—I, for one, shall be ready (and I shall not be the only Georgian who will be ready to move in so holy a cause) to shoulder my musket to defend, at every hazard, these rights, and to enforce this treaty. However, sir, I will say nothing more on this point. When the time shall arrive—if ever that dark hour shall arrive—I trust in God I shall be prepared to act as every Georgian should act.

I shall give my vote for the amendment proposed by the Committee of Conference.

Mr. Cook, in a brief speech, vindicated the moral character of the Secretary, and denied that the facts referred to by the gentleman from Georgia were known and concealed by him.

Mr. TATTNALL requested Mr. Cook to yield the floor for a moment, and stated, that the list which he held in his hand, was, itself, conclusive evidence of a corrupt intention to divide the greater part of the money among the few persons named in it. In this list, different sums were written opposite the names of different individuals, such, for instance, as the following: "John Ridge, \$15,000—Joseph Vann, \$15,000," (both Cherokees, and not Creeks, and, therefore, not entitled to one cent.) The next, a long and barbarous Indian name, which I shall not attempt to pronounce, "\$10,000,"—next, "John Stedham, \$10,000," &c. This list, as it appears in the documents received from the Secretary of War, was presented to the War Department by Ridge and Vann.

Mr. Cook resumed. The Secretary had been told that land was wanted for Ridge and Vann, but had replied that he could not consent to allow any. Money, indeed, had been given them, as had been customary from the foundation of the Government—yet, this was not the act of the Secretary; he told the Creek ambassadors that such a sum would be granted them, and that they might pay it to Ridge and Vann, if they thought proper; but no such arrangement should appear on the face of the treaty. As to the list or schedule, according to which the money was to be divided, it was not presented at the War Department till the treaty had gone to the Senate. [Mr. TATTNALL here referred to documents, and Mr. C. acknowledged that, in this particular, he had been under a mistake.] But, though the proposition for a corrupt partition of the money had been made, it had not been assented to; and this, therefore, fixed no immoral charge on



the Secretary or the Administration. The treaty does stipulate that the money mentioned shall be paid "to the chiefs and warriors"—whether we can alter that arrangement in this House is a very serious question. But, however this question might be settled, it was doing great injustice to the country and its Government, to say, without better proof, that the Department had connived at a foul fraud.

Mr. MERCER, having before sought in vain to obtain the floor, next addressed the House. If, as a great poet had proclaimed, "an honest man's the noblest work of God," then, said Mr. M., is James Barbour entitled to that high eulogy. No man on earth would more proudly scorn to commit, or to conceal a fraud, than the present Secretary of War. He had witnessed his conduct, in all the relations of life, public and private—in peace and in war—in the tented field, beneath sultry skies—in the dead of Winter, amidst frosts and snows—as Governor, legislator, soldier, and citizen, of Virginia. A purer or more patriotic heart than his beats not in the breast of man. It is no light matter, said Mr. M., in a desultory debate, at the very close of a long protracted session of Congress, to insinuate that such a man has concealed, or connived at the commission of, a "stupendous fraud." Mr. M. denied that the House is bound to carry a treaty into effect, which had been negotiated or consummated by fraud. Prove this of the present treaty, and he would regard it with as little respect as the blank sheet that he held in his hand, [tearing it and casting it on the floor.] Such a treaty, considered as a private contract, would be, in law, not merely voidable, but void. Void, *ab initio*. So should he regard the treaty of the Indian Springs, if made with incompetent persons, whether fraudulently or not. Had it been submitted to this House for an appropriation, with satisfactory evidence that the Indian negotiators were destitute of authority to make it, he would not have voted a cent to give to it effect.

So would he decide in relation to this treaty, if it were or could be proved, that fraudulent means had been employed for its ratification. But where is the evidence of such fraud? Does any concealment mark this transaction? The fact supposed to warrant the insinuation which has been made is stamped on the very face of the treaty. What says its third article?

"Immediately after the ratification of this treaty, the United States agree to pay to the chiefs of the said nation the sum of two hundred and seventeen thousand and six hundred dollars, to be divided among the chiefs and warriors of the said nation."

Shall be immediately paid to whom? The chiefs assembled here, asserted that they had authority to receive the stipulated consideration. Is that authority doubted or denied? It rests, as they truly say, on the same evidence with their unquestioned power to treat at all. Their subsequent agreement, among themselves, rela-

tive to the distribution of a part of the consideration, constitutes no link of the preceding negotiation, no feature of the treaty itself. It is their separate and independent act, for which they are responsible, not to the Secretary of War, or to us, but to those for whom they were deputed to treat. Is the Secretary of War bound—has he the power, to follow these chiefs to their native wilds, in order to execute their laws, to enforce among themselves their own customs, to control them in the final distribution of the money, with which they are entrusted by their nation?

If this treaty be valid, the appropriation which we make should conform to its provisions. If fraudulent and void, no appropriation whatever should be made.

Had the treaty been silent as to the part of the consideration which the chiefs proposed to distribute, before their departure; had this sum been secretly promised; had it been proposed secretly to pay it, so as to screen the receivers from all responsibility to the chiefs and warriors of the Creek nation; there would, indeed, be some ground for the imputation of fraud. On this subject, although negative proof cannot be required, we are happily furnished with the highest exculpatory testimony. A Senator from Missouri, of distinguished abilities, entitled, it need scarcely be added, to the highest credit—a gentleman thoroughly acquainted with the progress of the entire negotiation, had voluntarily communicated to Mr. M.—[here some gentleman exclaimed aloud, that Mr. BENTON had so informed the Senate.] Mr. M. proceeded. He had no right, he said, to advert to what the honorable Senator had said in his place, to the body of which he is a member, but he had a right to refer, for purposes of public justice, to his personal assurance to himself, that, on the part of the Secretary of War, this treaty had been conducted on the fairest and most honorable principles. It would, indeed, furnish matter of surprise, if, while rumor had denied to the Secretary any share of credit for the result of this negotiation, the fraud to which it seems now to be ascribed, should be imputed to him. If the merit of success be awarded to other gentlemen, he should at least be acquitted of blame.

[The Speaker here questioned whether Mr. M. was in order.]

He was misunderstood, Mr. M. replied, by the Chair. He made no charge upon any individual. He had risen to acquit, to vindicate, not to condemn.

[The Speaker said no charge had been made on the Secretary of War.]

It is true, Mr. M. proceeded, and I do not aver that such a charge has been formally made. But the view which had been presented of this whole subject, rendered such an inference natural, if not unavoidable; and he meant, Mr. M. said, to include its possibility.

The report of the officer of Indian affairs discloses the paternal kindness of the Secretary,

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in advising the chiefs who negotiated the treaty, to defer the distribution of any part of the consideration to be paid them, until their return to the bosom of their nation. The language of this friendly and considerate caution has been tortured into proof of an intended fraud, on the part of the chiefs; and of a connivance at its perpetration, on the part of the Secretary of War. A fraud to be perpetrated by those very chiefs who, it may be presumed, and it is said, govern the council of their tribe at home; and which the treaty that they are to bear to that council would disclose upon its very features.

Whatever may be the intention of these chiefs, said Mr. M., do but demonstrate this treaty to be fraudulent, and I am ready to pronounce it void.

He would consider the evils of that civil war, of which a gentleman from Georgia has spoken, as far preferable to the open sanction of an atrocious fraud, by the Congress of the United States. Time has often healed the wounds inflicted by war upon the prosperity of a people; but national morality, the source of all national happiness, when once utterly lost, has rarely, if ever, been restored. He had not, however, risen, Mr. M. said, to discuss the merits of the late Creek treaties, but to vindicate a friend from reproach; and his object was, he hoped, accomplished.

Mr. BARTLETT said he could not perceive that the question now before the House, which was on agreeing to the report of the Committee of Conference, involved at all the question of the treaty, or the character of any individual. The treaty provides, that a certain sum of money shall be paid to the chiefs and warriors of the Creek nation. The Senate adds, as an amendment, that the money shall be distributed in a certain manner; the treaty did not contradict such an arrangement—but the House disapproved and disagreed to it. The Senate insisted on their amendment—conferees were appointed—and after some discussion, the managers of the conference agreed that the amendment proposed by the House will effect the same object as that contemplated by the amendment of the Senate. It goes, indeed, a little farther, and insists that the division of the money shall be made in full council of the nation. But now it is said that the chiefs design to appropriate the whole sum to their own use. The arrangement proposed will certainly prevent the accomplishment of any such design, if it exist. I would have consented to the amendment of the Senate as sufficient—but I think that reported by the conferees holds out a more effectual security—and it certainly presents no question involving the integrity or reputation of any gentleman. The session draws rapidly to its close, and we have on our table some forty or fifty bills, in which sundry individuals have a deep interest. Under such circumstances, whatever feelings may exist in the minds of some gentlemen on the subject of this treaty,

there certainly can be no need of expressing them any further than has already been done.

Mr. THOMPSON, of Georgia, said, that, however impatient the House might be to take the question, he felt disposed to avail himself of that opportunity to submit a few brief remarks to the House on the subject then under discussion. Mr. T. said, that the honorable Chairman of the Committee of Conference had given it as his opinion that the Government, in carrying the treaty into effect, ought to pursue, literally, the stipulations of the treaty. In that opinion, Mr. T. entirely agreed with the honorable chairman, as well as with his friend from Georgia, (Colonel TATNALL,) but this coincidence of opinion, between the honorable chairman and himself, lead to results directly opposita. The chairman of the committee is opposed to the amendment originally made to this bill by the Senate, because that amendment provided that the consideration money, to be paid under this treaty, should be paid to the Creek Indians, according to the scale of distribution of annuities, which provision the honorable gentleman considers a departure from, or a violation of, the third article of the treaty, which stipulates that the money should be paid to the chiefs, head-men, and warriors of the Creek nation of Indians. How, then, can that honorable gentleman support the amendment proposed by the Committee of Conference? Does not the provisions of this amendment equally violate the stipulations of the third article of the treaty? That article expressly stipulated, that the United States shall pay to the chiefs, head-men, and warriors of the Creek nation of Indians, a certain sum of money, "immediately after the ratification of the treaty." What is the plain and obvious meaning of these words? May not these chiefs demand immediate payment to be made to them here? Have the United States a right to withhold payment now, and so alter the treaty that payment shall be made, not here, but in the Creek nation, and at a future period? If it is competent for the United States to defer the payment to a future period, how long may they not withhold it? If this is a treaty, the delegation may certainly, according to its stipulations, demand the money immediately. The honorable chairman of the committee informs me, said Mr. T., "that the chiefs, head-men, and warriors of the Creek nation of Indians, are not here, but in the Creek nation, and that payment must, consequently, be made to a council of, and in, the nation; inasmuch as the treaty stipulates payment to be made to the chiefs, head-men, and warriors of that nation." Mr. T. said, if he had supposed those chiefs, head-men, and warriors to be here, he stood corrected by the gentleman; but, if the gentleman conceded to the delegation the power to conclude this contract or treaty, he surely would not deny to them the right to receive the consideration money. This right had been conceded to them by the Department: for, on the presentation

by John Ridge and Joe Vann (Cherokees) of a list, exhibiting a scale of an intended distribution of one hundred and fifty-nine thousand dollars, with a demand that the sums designated should be separately counted, sealed up, and paid, in the Department, to the individuals to whom those sums were respectively assigned, the head of the Indian Bureau replied, that payment could not be made there, but that he had no doubt that the officers of the bank would, to oblige them, make the arrangement required. Although, Mr. T. said, he did not consider this a valid treaty, yet those who claimed the possession of competent power, had decided that it was: and, agreeing with the honorable chairman, and his friend from Georgia, that the stipulations of a treaty ought to be literally fulfilled and complied with, he could not support either of the amendments which had been proposed; because each was equally a violation of the third article of the treaty; but if, like the honorable chairman, he could vote for the amendment reported by the committee, and now under consideration, he could more readily and cheerfully vote for the Senate's first amendment, as better calculated to secure the legitimate objects of the treaty, and meet the ends of justice. And here he could not but express much surprise, that gentlemen had been unable to find, in the circumstances of this transaction, any evidence of an intention, on the part of the delegation, to commit a fraud upon their nation. Mr. T. said he cherished due respect for gentlemen and their opinions, but the evidence of fraud was so clear to him, that he could not conceive how it could be doubted. Where, asked Mr. T., in the history of the repudiated treaty, can you find the evidence of fraud so gross as that which is exhibited by the documents connected with the treaty now under consideration? There was none. Mr. T. said he conceded to the Secretary of War the high character which had been attributed to him, in the course of this debate, by the gentleman from Virginia, (Mr. MERCEUR,)—he felt no disposition to derogate from his merit—and he protested against the right of any member to attribute to him an unfriendly disposition towards the honorable Secretary; but he must state the facts of the transaction, and facts were stubborn things. Before the treaty was ratified, a list had been exhibited by John Ridge and Joe Vann, to the head of the Indian Bureau, showing the intended distribution of the money to be paid under the treaty; and, from that list, it appeared that \$15,000 was to be paid to John Ridge, another \$15,000 to Joe Vann, and \$10,000 to old Major Ridge, another Cherokee. The head of the Indian Bureau was apprised of the intended fraud, and the only notice which he deigned to take of the corrupt intention was, a simple declaration that it was no affair of the Government. Ridge and Vann had, however, been asked, whether the whole delegation knew as well as they did, the mode which they had

adopted for the distribution of the money? Ridge frankly answered, "No;" but that Opothle Yoholo and Charles Cornnells knew, and that was enough. This was reported by the head of the Indian Bureau to the Secretary of War, who directed that the delegation should appear in the Department. They attended. The Secretary represented to them the danger that might arise from so partial a distribution of their money; as their people might not subscribe to it. They replied, that they knew what they were about. "The interpreter was then directed to say that the Secretary of War had no desire to control that over which the treaty had given them the power, but, as the paper had been handed to him, he wished to read it, and know whether they agreed to have the disposition made of the money which was therein indicated. They answered, each, and individually, Yes;" repeating that it was their own arrangement, and the fears the Secretary had expressed, in regard to the probable effects of such a course, upon their people at home, need not be indulged, for that they would see that their people ratified the arrangement, as, in the event of any dissatisfaction, they had their annuity, and this very money, and would so apply it as to satisfy all. The Secretary replied, "that he still had his fears, but could only advise." Thus, said Mr. T., the facts show, that the Secretary was well acquainted with the intended fraud. But gentlemen see no fraud, no corruption in all this. Look into these documents. Here is tangible evidence of gross corruption. It was evident that Ridge and Vann had attempted a trick on the Creek Delegation. Mr. T. said, it was true that the whole delegation had heard the paper read, yet they did not understand English, and he presumed the honorable Secretary did not understand the Creek Indian language. It was, therefore, no very difficult matter for an apt interpreter to deceive both the Secretary and the Indians. One thing, said Mr. T., is, however, clear, that John Ridge, and Joe Vann, and old Major Ridge, all Cherokee Indians, were to receive forty thousand dollars of the money which was, according to the stipulations of the treaty, to be paid by the United States to the chiefs, head-men, and warriors of the Creek nation of Indians, in consideration of the territory ceded by the Creek Indians to the United States. What entitled these Cherokees to this enormous sum? They had no interest in the Creek nation. They were not entitled to one foot of land in the Creek country, neither were they chiefs, head-men, or warriors of the Creek nation of Indians. What claim, then, could they have to forty thousand dollars of the money stipulated to be paid by the United States to the chiefs, head-men, and warriors of the Creek nation of Indians? Mr. T. said, it could not be concealed that there was palpable and gross fraud and corruption in this transaction. Gentlemen say, all this was not concealed. They had heard it openly spoken

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of. All he could say to this was, they had been more fortunate than he had been. He certainly had never heard of these corrupt transactions, or that such a sum as forty thousand dollars was intended to be given to Cherokee Indians, who have no interest in the treaty, until this information was drawn from the department by the Committee of Conference.

Mr. DWIGHT insisted that the amendment was in accordance with the treaty; the treaty says the money shall be paid "to the chiefs and warriors." "The chiefs" of the Creek nation are not here—they are in the Creek nation—a delegation only is here, for diplomatic purposes, but "the chiefs" are at home; if the money, then, should be paid in the midst of a council of the nation, it would be paid as the treaty stipulates.

Mr. THOMPSON said, that, if he had supposed that all the chiefs of the Creek nation were present in the City of Washington, he stood corrected by the gentleman from Massachusetts; but, if the delegation here from the Creek nation were duly authorized to make the contract, then the chiefs, head-men, and warriors of the Creek nation, were virtually present; and, even if the money must be paid to the chiefs and warriors, it would be no violation of the treaty, should payment be made to their delegation. If the delegation had power to enter into, they had power to consummate the contract; that immediate payment of the consideration money was indispensable to the consummation of the contract; that, as the treaty stipulates that the money should be paid to the chiefs, head-men, and warriors of the Creek nation, immediately on the ratification of the treaty, it would be a violation of its express stipulations, should payment be withheld until a future period; for, if it can be withheld one day, it may be withheld indefinitely.

Mr. HOFFMAN said he was anxious to see this matter ended. For himself, he should prefer the amendment of the Senate; but he believed there was not now sufficient time to attain it—and, being of opinion, that the present proposition would be so carried into effect as to prevent the fraud contemplated, he would consent to vote for it.

Mr. WILLIAMS now moved the previous question, but withdrew the motion under an as-

surance that the debate would not be further protracted.

The question was then put on agreeing to the report of the Committee of Conference, and carried.

#### *Accounts of Mr. Monroe.*

The Senate's amendment to the bill "for the relief of James Monroe," as insisted on by that body, having been read, (allowing interest, which, with the principal, amounts to \$29,000)—

Mr. DWIGHT moved that the House do recede from its disagreement to the Senate's amendment.

On this question, Mr. SAWYER called for the yeas and nays. They were ordered, and were—yeas 68, nays 57.

So the motion prevailed, and the House agreed to recede from its disagreement, (the effect of which is to pass the bill as amended.)

And the House adjourned, (at half-past four o'clock, A. M.)

#### MONDAY, May 22.

On motion of Mr. TOMLINSON, it was

*Ordered*, That a message be sent to the Senate, to inform them that this House, having completed the business before them, are ready to close the present session by an adjournment on their part; and that the Clerk do go with the said message.

Mr. WRIGHT offered the following:

*Resolved*, That a committee be appointed, on the part of this House, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and to notify him that, unless he may have other communications to make to the two Houses of Congress, they are ready to adjourn.

The resolution was agreed to, and

Mr. MERCER and Mr. TOMLINSON were appointed a committee on the part of the House.

Mr. MERCER, from the above-named committee, reported that they had waited on the President, and informed him that the two Houses were ready to adjourn, and that he informed them that he had no further communication to make to either House.

When, on motion of Mr. BASSETT, the House adjourned, to meet on the first Monday in December next.

## NINETEENTH CONGRESS.—SECOND SESSION.

### PROCEEDINGS IN THE SENATE,

MONDAY, December 4, 1826.

The Hon. JOHN C. CALHOUN, Vice President of the United States, took the chair at 12 o'clock, and the roll being called over by the Secretary, (WALTER LOWRIE, Esq.,) it appeared that thirty-eight members were present.

The usual message was communicated to the House of Representatives, of being formed, &c., and the usual standing orders agreed to.

#### *Honors to the Dead.*

Mr. CLAYTON rose, and addressed the Senate as follows:

In consequence of the lamented death of my late colleague, Mr. VAN DYKE, during the last session of the Senate, but at a period so late that intelligence of the event did not arrive here before the termination of the session, I now take occasion to propose the usual resolutions testifying the respect of the Senate for the memory of the deceased, and their regret for his death. His amiable temper and gentlemanly deportment—his talents and high standing in this body, were too well known to all the members to need any eulogy from me. As he was known to them all, so must his memory be respected and his death lamented; and, therefore, I propose the following resolution:

*Resolved*, That the members of the Senate, from a desire of showing every mark of respect due to the memory of the Hon. NICHOLAS VAN DYKE, deceased, late a Senator from the State of Delaware, will go into mourning for him one month, by the usual mode of wearing crape round the left arm.

The resolution was agreed to, *nem. con.*

Mr. DICKERSON then rose, and said,

Mr. President: The melancholy duty devolves upon me, of announcing to the Senate the death of my late colleague, the Hon. JOSEPH MOLLVAINE. Mr. MOLLVAINE was selected, by the Legislature of New Jersey, to represent the State in this body, from a knowledge of his learning, talents, and integrity. Unfortunately, during the whole time of his being associated with us, he was the victim of a painful disease,

which terminated only with his life. Notwithstanding, he assiduously performed all the duties of his station, so far as the debilitated state of his health would permit; and, in all his intercourse with the Senate, his deportment was of a character so courteous and conciliating, that he gained the esteem of all his associates. As a mark of the respect which the Senate entertains for his character and memory, I beg leave to submit the following resolution:

*Resolved*, That the members of the Senate, from a desire of showing every mark of respect due to the memory of the Honorable JOSEPH MOLLVAINE, deceased, late a Senator from the State of New Jersey, will go into mourning for him one month, by the usual mode of wearing crape round the left arm.

The resolution was unanimously agreed to.

TUESDAY, December 5.

Mr. SMITH, from the Joint Committee appointed to wait on the President of the United States, and "inform him that quorums of the two Houses have assembled, and that Congress are ready to receive any communication he may be pleased to make," reported, that the committee had performed the duties of their appointment, and that the President of the United States answered that he would make a communication, in writing, to the two Houses of Congress, this day, at twelve o'clock.

Soon after which, the private Secretary of the President, (Mr. J. ADAMS,) came in and delivered the Message.

*To the Senate and House of Representatives of the United States:—*

The assemblage of the representatives of our Union in both Houses of Congress at this time, occurs under circumstances calling for the renewed homage of our grateful acknowledgments to the Giver of all good. With the exceptions incidental to the most felicitous condition of human existence, we continue to be highly favored in all the elements which contribute to individual comfort and to national prosperity. In the survey of our extensive country, we are generally to observe abodes of

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*President's Message.*

[SENATE.]

health and regions of plenty. In our civil and political relations, we have peace without, and tranquillity within our borders. We are, as a people, increasing with unabated rapidity in population, wealth, and national resources; and, whatever differences of opinion exist among us with regard to the mode and the means by which we shall turn the beneficence of Heaven to the improvement of our own condition, there is yet a spirit animating us all, which will not suffer the bounties of Providence to be showered upon us in vain, but will receive them with grateful hearts, and apply them with unwearied hands to the advancement of the general good.

Of the subjects recommended to the consideration of Congress at their last session, some were then definitely acted upon. Others left unfinished, but partly matured, will recur to your attention, without needing a renewal of notice from me. The purpose of this communication will be to present to your view the general aspect of our public affairs at this moment, and the measures which have been taken to carry into effect the intentions of the legislature as signified by the laws then and heretofore enacted.

In our intercourse with the other nations of the earth, we have still the happiness of enjoying peace and a general good understanding; qualified, however, in several important instances, by collisions of interest, and by unsatisfied claims of justice, to the settlement of which the constitutional interposition of the legislative authority may become ultimately indispensable.

By the decease of the Emperor Alexander of Russia, which occurred contemporaneously with the commencement of the last session of Congress, the United States have been deprived of a long-trying, steady, and faithful friend. Born to the inheritance of absolute power, and trained in the school of adversity, from which no power on earth, however absolute, is exempt, that monarch, from his youth had been taught to feel the force and value of public opinion, and to be sensible that the interests of his own government would be best promoted by a frank and friendly intercourse with this republic, as those of his people would be advanced by a liberal commercial intercourse with our country. A candid and confidential interchange of sentiments between him and the Government of the United States, upon the affairs of South America, took place at a period not long preceding his demise, and contributed to fix that course of policy which left to the other Governments of Europe no alternative but that of sooner or later recognizing the independence of our southern neighbors, of which the example had by the United States already been set. The ordinary diplomatic communications between his successor, the Emperor Nicholas, and the United States, have suffered some interruption by the illness, departure, and subsequent decease of his minister residing here, who enjoyed, as he merited, the entire confidence of his new sovereign, as he had eminently responded to that of his predecessor. But we have had the most satisfactory assurances that the sentiments of the reigning emperor toward the United States are altogether conformable to those which had so long and constantly animated his imperial brother; and we have reason to hope that they will serve to cement that harmony and good understanding between the two nations which, founded in congenial interests, cannot but

result in the advancement of the welfare and prosperity of both.

Our relations of commerce and navigation with France are, by the operation of the convention of 24th June, 1822, with that nation, in a state of gradual and progressive improvement. Convinced by all our experience, no less than by the principles of fair and liberal reciprocity which the United States have constantly tendered to all the nations of the earth, as the rule of commercial intercourse which they would universally prefer, that fair and equal competition is most conducive to the interests of both parties, the United States, in the negotiation of that convention, earnestly contended for a mutual renunciation of discriminating duties and charges in the ports of the two countries. Unable to obtain the immediate recognition of this principle in its full extent, after reducing the duties of discrimination so far as was found attainable, it was agreed that, at the expiration of two years from the first of October, 1822, when the convention was to go into effect, unless a notice of six months on either side should be given to the other, that the convention itself must terminate, those duties should be reduced by one-fourth, and that this reduction should be yearly repeated until all discrimination should cease while the convention itself should continue in force. By the effect of this stipulation, three-fourths of the discriminating duties which had been levied by each party, upon the vessels of the other in its ports, have already been removed; and on the first of next October, should the convention be still in force, the remaining fourth will be discontinued. French vessels, laden with French produce, will be received in our ports on the same terms as our own; and ours, in return, will enjoy the same advantages in the ports of France.

By these approximations to an equality of duties and of charges, not only has the commerce between the two countries prospered, but friendly dispositions have been on both sides encouraged and promoted. They will continue to be cherished and cultivated on the part of the United States. It would have been gratifying to have had it in my power to add, that the claims upon the justice of the French Government, involving the property and the comfortable subsistence of many of our fellow-citizens, and which have been so long and so earnestly urged, were in a more promising train of adjustment than at your last meeting; but their condition remains unaltered.

With the Government of the Netherlands, the mutual abandonment of discriminating duties had been regulated by the legislative acts on both sides. The act of Congress of the 20th of April, 1818, abolished all discriminating duties of impost and tonnage, upon the vessels and produce of the Netherlands in the ports of the United States, upon the assurance given by the Government of the Netherlands, that all such duties operating against the shipping and commerce of the United States in that kingdom had been abolished. These reciprocal regulations had continued in force several years, when the discriminating principle was resumed by the Netherlands in a new and indirect form, by a bounty of ten per cent., in the shape of a return of duties to their national vessels, and in which those of the United States are not permitted to participate. By the act of Congress of the 7th of January, 1824, all discriminating duties in the United States were again suspended, so far as related to the ves-

sels and produce of the Netherlands, so long as the reciprocal exemption should be extended to the vessels and produce of the United States in the Netherlands. But the same act provides that, in the event of a restoration of discriminating duties to operate against the shipping and commerce of the United States in any of the foreign countries referred to therein, the suspension of discriminating duties in favor of the navigation of such foreign country should cease, and all the provisions of the acts imposing discriminating foreign tonnage and import duties in the United States should revive and be in full force with regard to that nation.

In the correspondence with the Government of the Netherlands upon this subject, they have contended that the favor shown to their own shipping by this bounty upon their tonnage is not to be considered as a discriminatory duty. But it cannot be denied that it produces all the same effects. Had the mutual abolition been stipulated by treaty, such a bounty upon the national vessels could scarcely have been granted consistently with good faith. Yet, as the act of Congress of 7th January, 1824, has not expressly authorized the executive authority to determine what shall be considered as a revival of discriminating duties by a foreign Government to the disadvantage of the United States, and as the retaliatory measure on our part, however just and necessary, may tend rather to that conflict of legislation which we deprecate, than to that concert to which we invite all commercial nations as most conducive to their interest and our own, I have thought it more consistent with the spirit of our institutions to refer the subject again to the paramount authority of the legislature to decide what measure the emergency may require, than abruptly by proclamation to carry into effect the minatory provision of the act of 1824.

During the last session of Congress, treaties of amity, navigation, and commerce, were negotiated and signed at this place with the Government of Denmark in Europe, and with the federation of Central America in this hemisphere. These treaties then received the constitutional sanction of the Senate, by the advice and consent to their ratification. They were accordingly ratified on the part of the United States, and during the recess of Congress, have also been ratified by the other respective contracting parties. The ratifications have been exchanged, and they have been published by proclamations, copies of which are herewith communicated to Congress. These treaties have established between the contracting parties the principles of equality and reciprocity in their broadest and most liberal extent. Each party admitting the vessels of the other into its ports, laden with cargoes the produce or manufacture of any quarter of the globe, upon the payment of the same duties of tonnage and impost that are chargeable upon their own. They have further stipulated, that the parties shall hereafter grant no favor of navigation or commerce to any other nation, which shall not, upon the same terms, be granted to each other; and that neither party will impose upon articles of merchandise, the produce or manufacture of the other, any other or higher duties than upon the like articles, being the produce or manufacture of any other country. To these principles there is, in the convention with Denmark, an exception with regard to the colonies of that kingdom in the Arctic sea, but none with regard to her colonies in the West Indies.

In the course of the last summer, the term to which our last commercial treaty with Sweden was limited has expired. A continuation of it is in the contemplation of the Swedish Government, and is believed to be desirable on the part of the United States. It has been proposed by the King of Sweden that, pending the negotiation of renewal, the expired treaty should be mutually considered as still in force; a measure which will require the sanction of Congress to be carried into effect on our part, and which I therefore recommend to your consideration.

With Prussia, Spain, Portugal, and in general all the European powers, between whom and the United States relations of friendly intercourse have existed, their condition has not materially varied since the last session of Congress. I regret not to be able to say the same of our commercial intercourse with the colonial possessions of Great Britain in America. Negotiations of the highest importance to our common interests have been for several years in discussion between the two Governments, and on the part of the United States have been invariably pursued in the spirit of candor and conciliation. Interests of great magnitude and delicacy had been adjusted by the conventions of 1815 and 1818, while that of 1822, mediated by the late Emperor Alexander, had promised a satisfactory compromise of claims which the Government of the United States, in justice to the rights of a numerous class of their citizens, was bound to sustain. But with regard to the commercial intercourse between the United States and the British colonies in America, it has been hitherto found impracticable to bring the parties to an understanding satisfactory to both. The relative geographical position, and the respective products of nature, cultivated by human industry, had constituted the elements of a commercial intercourse between the United States and British America, insular and continental, important to the inhabitants of both countries. But it had been interdicted by Great Britain, upon a principle heretofore practised upon by the colonizing nations of Europe, of holding the trade of their colonies, each in exclusive monopoly to herself. After the termination of the late war, this interdiction had been revived, and the British Government declined including this portion of our intercourse with her possessions in the negotiation of the convention of 1815. The trade was then carried on exclusively in British vessels, till the act of Congress concerning navigation, of 1818, and the supplemental act of 1820, met the interdiction by a corresponding measure on the part of the United States. These measures, not of retaliation, but of necessary self-defence, were soon succeeded by an act of parliament, opening certain colonial ports to the vessels of the United States, coming directly from them, and to the importation from them of certain articles of our produce, burdened with heavy duties, and excluding some of the most valuable articles of our exports. The United States opened their ports to British vessels from the colonies upon terms as exactly corresponding with those of the act of parliament, as in the relative position of the parties could be made. And a negotiation was commenced by mutual consent, with the hope on our part that a reciprocal spirit of accommodation and a common sentiment of the importance of the trade to the interests of the inhabitants of the two countries, between whom it must be carried on, would ultimately bring the parties to a compromise, with which both might be satisfied. With this view, the

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Government of the United States had determined to sacrifice something of that entire reciprocity which in all commercial arrangements with foreign powers they are entitled to demand, and to acquiesce in some inequalities disadvantageous to ourselves, rather than to forego the benefit of a final and permanent adjustment of this interest, to the satisfaction of Great Britain herself. The negotiation, repeatedly suspended by accidental circumstances, was, however, by mutual agreement and express assent, considered as pending, and to be speedily resumed. In the mean time, another act of parliament, so doubtful and ambiguous in its import as to have been misunderstood by the officers in the colonies who were to carry it into execution, opens again certain colonial ports, upon new conditions and terms, with a threat to close them against any nation which may not accept those terms, as prescribed by the British Government. This act, passed in July, 1826, not communicated to the Government of the United States, not understood by the British officers of the customs in the colonies where it was to be enforced, was nevertheless submitted to the consideration of Congress at their last session. With the knowledge that a negotiation upon the subject had long been in progress, and pledges given of its resumption at an early day, it was deemed expedient to await the result of that negotiation, rather than to subscribe implicitly to terms, the import of which was not clear, and which the British authorities themselves in this hemisphere were not prepared to explain.

Immediately after the close of the last session of Congress, one of our most distinguished citizens was despatched as Envoy Extraordinary and Minister Plenipotentiary to Great Britain, furnished with instructions which we could not doubt would lead to a conclusion of this long-controverted interest, upon terms acceptable to Great Britain. Upon his arrival, and before he had delivered his letters of credence, he was met by an order of the British council, excluding, from and after the first of December now current, the vessels of the United States from all the colonial British ports, excepting those immediately bordering upon our territories. In answer to his expostulations upon a measure thus unexpected, he is informed that, according to the ancient maxims of policy of European nations having colonies, their trade is an exclusive possession of the mother-country. That all participation in it by other nations is a boon or favor not forming a subject of negotiation, but to be regulated by the legislative acts of the power owning the colony. That the British Government, therefore, declines negotiating concerning it, and that as the United States did not forthwith accept, purely and simply, the terms offered by the act of parliament of July, 1825, Great Britain would not admit the vessels of the United States even upon the terms on which she had opened them to the navigation of other nations.

We have been accustomed to consider the trade which we have enjoyed with the British colonies rather as an interchange of mutual benefits than as a mere favor received; that under every circumstance we have given an ample equivalent. We have seen every other nation holding colonies negotiate with other nations, and grant them freely admission to the colonies by treaty; and, so far as the other colonizing nations of Europe now from refusing to negotiate for trade with their colonies, that we ourselves have secured access to the colonies of more

than one of them by treaty. The refusal, however, of Great Britain to negotiate, leaves to the United States no other alternative than that of regulating, or interdicting altogether the trade on their part, according as either measure may affect the interests of our own country; and with that exclusive object, I would recommend the whole subject to your calm and candid deliberations.

It is hoped that our unavailing exertions to accomplish a good understanding on this interest will not have an unpropitious effect upon the other great topics of discussion between the two Governments. Our northeastern and northwestern boundaries are still unadjusted. The commissioners under the 7th article of the treaty of Ghent have nearly come to the close of their labors; nor can we renounce the expectation, enfeebled as it is, that they may agree upon their report to the satisfaction or acquiescence of both parties. The commission for liquidating the claims for indemnity for slaves carried away after the close of the war has been sitting, with doubtful prospects of success. Propositions of compromise have, however, passed between the two Governments, the result of which we flatter ourselves may yet prove satisfactory. Our own dispositions and purposes toward Great Britain are all friendly and conciliatory: nor can we abandon, but with strong reluctance, the belief that they will ultimately meet a return, not of favors, which we neither ask nor desire, but of equal reciprocity and good will.

With the American Governments of this hemisphere we continue to maintain an intercourse altogether friendly, and between their nations and ours, that commercial interchange of which mutual benefit is the source, and mutual comfort and harmony the result, is in a continual state of improvement. The war between Spain and them, since the total expulsion of the Spanish military force from their continental territories, has been little more than nominal; and their internal tranquillity, though occasionally menaced by the agitations which civil wars never fail to leave behind them, has not been affected by any serious calamity.

The Congress of ministers from several of those nations which assembled at Panama, after a short session there, adjourned to meet again, at a more favorable season, in the neighborhood of Mexico. The decease of one of our ministers on his way to the isthmus, and the impediments of the season, which delayed the departure of the other, deprived us of the advantage of being represented at the first meeting of the Congress. There is, however, no reason to believe that any of the transactions of the Congress were of a nature to affect injuriously the interests of the United States, or to require the interposition of our ministers had they been present. Their absence has, indeed, deprived us of the opportunity of possessing precise and authentic information of the treaties which were concluded at Panama; and the whole result has confirmed me in the conviction of the expediency to the United States of being represented at the Congress. The surviving member of the mission, appointed during your last session, has accordingly proceeded to his destination, and a successor to his distinguished and lamented associate will be nominated to the Senate. A treaty of amity, navigation, and commerce, has, in the course of last summer, been concluded by our Minister Plenipotentiary at Mexico, with the United States and that confederacy, which will also be laid



before the Senate for their advice with regard to its ratification.

In adverting to the present condition of our fiscal concerns, and to the prospects of our revenue, the first remark that calls our attention is, that they are less exuberantly prosperous than they were at the corresponding period of the last year. The severe shock so extensively sustained by the commercial and manufacturing interests in Great Britain has not been without a perceptible recoil upon ourselves. A reduced importation from abroad is necessarily succeeded by a reduced return to the treasury at home. The net revenue of the present year will not equal that of the last. And the receipts of that which is to come will fall short of those in the current year. The diminution, however, is in part attributable to the flourishing condition of some of our domestic manufactures, and so far is compensated by an equivalent more profitable to the nation. It is also highly gratifying to perceive, that the deficiency in the revenue, while it scarcely exceeds the anticipations of the last year's estimates from the treasury, has not interrupted the application of more than eleven millions during the present year, to the discharge of the principal and interest of the debt, nor the reduction of upward of seven millions of the capital debt itself. The balance in the treasury on the 1st of January last, was five millions two hundred and one thousand six hundred and fifty dollars, forty-three cents. The receipts from that time to the 30th September last, were nineteen millions five hundred and eighty-five thousand nine hundred and thirty-two dollars, fifty cents. The receipts of the current quarter, estimated at six millions of dollars, yield, with the sums already received, a revenue of about twenty-five millions and a half for the year. The expenditures for the first three-quarters of the year have amounted to eighteen millions seven hundred and fourteen thousand two hundred and twenty-six dollars, sixty-six cents. The expenditures of the current quarter are expected, including the two millions of the principal debt to be paid, to balance the receipts. So that the expenses of the year, amounting to upward of a million less than its income, will leave a proportionally increased balance in the treasury on the first of January, 1827, over that of the first of January last. Instead of five millions two hundred thousand dollars, there will be six millions four hundred thousand dollars.

The amount of duties secured on merchandise imported from the commencement of the year until the 30th of September, is estimated at twenty-one millions two hundred and fifty thousand dollars, and the amount that will probably accrue during the present quarter, is estimated at four millions two hundred and fifty thousand dollars, making for the whole year twenty-five millions five hundred thousand dollars, from which the drawbacks being deducted, will leave a clear revenue from the customs, receivable in the year 1827, of about twenty millions four hundred thousand dollars, which, with the sums to be received from the proceeds of the public lands, the bank dividends, and other incidental receipts, will form an aggregate of about twenty-three millions of dollars, a sum falling short of the whole expenses of the present year, little more than the portion of those expenditures applied to the discharge of the public debt, beyond the annual appropriation of ten millions of dollars by the act of the 3d March, 1817.

At the passage of that act, the public debt amounted to one hundred and twenty-three millions five hundred thousand dollars. On the 1st of January next it will be short of seventy-four millions of dollars. In the lapse of these ten years, fifty millions of dollars of public debt, with the annual charge of upward of three millions of dollars of interest upon them, have been extinguished. At the passage of that act, of the annual appropriation of the ten millions of dollars, seven were absorbed in the payment of interest, and not more than three millions of dollars went to reduce the capital of the debt. Of the same ten millions of dollars, at this time scarcely four are applicable to the interest, and upward of six are effective in melting down the capital. Yet your experience has proved, that a revenue consisting so largely of imposts and tonnage ebbs and flows, to an extraordinary extent, with all the fluctuations incident to the general commerce of the world. It is within our recollection that even in the compass of the same last ten years, the receipts of the treasury were not adequate to the expenditures of the year; and that in two successive years it was found necessary to resort to loans to meet the engagements of the nation. The returning tides of the succeeding years replenished the public coffers, until they have again begun to feel the vicissitudes of a decline. To produce these alterations of fulness and exhaustion, the relative operation of abundant or of unfruitful seasons, the regulations of foreign Governments, political revolutions, the prosperous or decaying condition of manufactures, commercial speculations, and many other causes, not always to be traced, variously combine. We have found the alternate swells and diminutions embracing periods of from two to three years. The last period of depression to us was from 1819 to 1822. The corresponding revival was from 1823 to the commencement of the present year. Still we have no cause to apprehend a depression comparable to that of the former period, or even to anticipate a deficiency which will intrench upon the ability to apply the annual ten millions of dollars to the reduction of the debt. It is well for us, however, to be admonished of the necessity of abiding by the maxims of the most vigilant economy, and of resorting to all honorable and useful expedients, for the pursuing with steady and inflexible perseverance the total discharge of the debt.

Besides the seven millions of dollars of the loans of 1813, which will have been discharged in the course of the present year, there are nine millions of dollars which, by the terms of the contracts, would have been, and are now redeemable. Thirteen millions of dollars more of the loan of 1814 will become redeemable from and after the expiration of the present month, and nine other millions from and after the close of the ensuing year. They constitute a mass of thirty-one millions of dollars, all bearing an interest of six per cent., more than twenty millions of dollars of which will be immediately redeemable, and the rest within little more than a year. Leaving of this amount fifteen millions of dollars to continue at the interest of six per cent., but to be, as far as shall be found practicable, paid off in the years 1827 and 1828, there is scarcely a doubt that the remaining sixteen millions might within a few months be discharged by a loan at not exceeding five per cent., redeemable in the years 1829 and 1830. By this operation, a sum of nearly five hundred thousand dollars may

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be saved to the nation; and the discharge of the whole thirty-one millions of dollars within the four years, may be greatly facilitated, if not wholly accomplished.

By an act of Congress of 3d March, 1825, a loan for the purpose now referred to, or a subscription to stock, was authorized, at an interest not exceeding four and a half per cent. But, at that time, so large a portion of the floating capital of the country was absorbed in commercial speculations, and so little was left for investment in the stocks, that the measure was but partially successful. At the last session of Congress, the condition of the funds was still unpropitious to the measure; but the change so soon afterward occurred that, had the authority existed to redeem the nine millions of dollars now redeemable by an exchange of stocks, or a loan of five per cent., it is morally certain that it might have been effected, and with it a yearly saving of ninety thousand dollars.

With regard to the collection of revenue of import, certain occurrences have within the last year been disclosed in one or two of our principal ports, which engaged the attention of Congress at their last session, and may hereafter require further consideration. Until within a very few years, the execution of the laws for raising the revenue, like that of all our other laws, has been insured more by the moral sense of the community, than by the rigors of a jealous precaution, or by penal sanctions. Confiding in the exemplary punctuality and the unsullied integrity of our importing merchants, a gradual relaxation from the provisions of the collection laws, a close adherence to which would have caused inconvenience and expense to them, had long become habitual; and indulgences had been extended universally, because they had never been abused. It may be worthy of your serious consideration whether some further legislative provision may not be necessary to come in aid of this state of ungarded security.

From the reports herewith communicated, of the Secretaries of War and of the Navy, with the subsidiary documents annexed to them, will be discovered the present condition and administration of our military establishment on the land and on the sea. The organization of the army having undergone no change since its reduction to the present peace establishment in 1821, it remains only to observe, that it is yet found adequate to all the purposes for which a permanent armed force in time of peace can be needed or useful. It may be proper to add that, from a difference of opinion between the late President of the United States and the Senate, with regard to the construction of the act of Congress of the 2d of March, 1821, to reduce and fix the military peace establishment of the United States, it remains hitherto so far without execution, that no colonel has been appointed to command one of the regiments of artillery. A supplementary or explanatory act of the legislature appears to be the only expedient practicable for removing the difficulty of this appointment.

In a period of profound peace, the conduct of the mere military establishment forms but a very inconsiderable portion of the duties devolving upon the administration of the Department of War. It will be seen by the returns from the subordinate departments of the army, that every branch of the service is marked with order, regularity, and discipline. That from the commanding general through

all the gradations of superintendence, the officers feel themselves to have been citizens before they were soldiers, and that the glory of a republican army must consist in the spirit of freedom by which it is animated, and of patriotism by which it is impelled. It may be confidently stated, that the moral character of the army is in a state of continual improvement, and that all the arrangements for the disposal of its parts have a constant reference to that end.

But to the War Department are attributed other duties, having indeed relation to a future possible condition of war, but being purely defensive, and in their tendency contributing rather to the security and permanency of peace. The erection of the fortifications provided for by Congress, and adapted to secure our shores from hostile invasion; the distribution of the fund of public gratitude and justice to the pensioners of the revolutionary war; the maintenance of our relations of peace and of protection with the Indian tribes; and the internal improvements and surveys for the location of roads and canals, which, during the last three sessions of Congress, have engaged so much of their attention, and may engross so large a share of their future benefactions to our country.

By the act of the 30th of April, 1824, suggested and approved by my predecessor, the sum of thirty thousand dollars was appropriated for the purpose of causing to be made the necessary surveys, plans, and estimates of the routes of such roads and canals as the President of the United States might deem of national importance in a commercial or military point of view, or necessary for the transportation of the public mail. The surveys, plans, and estimates for each, when completed, will be laid before Congress.

In execution of this act, a board of engineers was immediately instituted, and have been since most assiduously and constantly occupied in carrying it into effect. The first object to which their labors were directed, by order of the late President, was the examination of the country between the tide waters of the Potomac, the Ohio, and Lake Erie, to ascertain the practicability of a communication between them, to designate the most suitable route for the same, and to form plans and estimates, in detail of the expense of execution.

On the third of February, 1825, they made their first report, which was immediately communicated to Congress, and in which they declared, that having maturely considered the circumstances observed by them personally, and carefully studied the results of such of the preliminary surveys as were then completed, they were decidedly of opinion that the communication was practicable.

At the last session of Congress, before the board of engineers were enabled to make up their second report, containing a general plan and preparatory estimates for the work, the committee of the House of Representatives upon roads and canals, closed the session with a report, expressing the hope that the plans and estimates of the board of engineers might at this time be prepared, and that the subject be referred to the early and favorable consideration of Congress at their present session. That expected report of the board of engineers is prepared, and will forthwith be laid before you.

Under the resolution of Congress, authorizing the Secretary of War to have prepared a complete system of cavalry tactics, and system of exercises

and instruction of field artillery, for the use of the militia of the United States, to be reported to Congress at the present session, a board of distinguished officers of the army and of the militia has been convened, whose report will be submitted to you, with that of the Secretary of War. The occasion was thought favorable for consulting the same board, aided by the results of a correspondence with the Governors of the several States and Territories, and other citizens of intelligence and experience, upon the acknowledged defective condition of our militia system, and of the improvements of which it is susceptible. The report of the board upon this subject is also submitted for your consideration.

In the estimated appropriations for the ensuing year, upward of five millions of dollars will be submitted for the expenditures to be paid from the Department of War. Less than two-fifths of this will be applicable to the maintenance and support of the army. A million and a half, in the form of pensions, goes as a scarcely adequate tribute to the services and sacrifices of a former age, and a more than equal sum invested in fortifications, or for the preparations of internal improvement, provides for the quiet, the comfort, and the happier existence of the ages to come. The appropriations to indemnify those unfortunate remnants of another race, unable alike to share in the enjoyments and to exist in the presence of civilization, though swelling in recent years to a magnitude burdensome to the treasury, are generally not without their equivalents, in profitable value; or serve to discharge the Union from engagements more burdensome than debt.

In like manner the estimate of appropriations for the Navy Department will present an aggregate sum of upward of three millions of dollars. About one-half of these, however, cover the current expenditures of the navy in actual service, and one-half constitutes a fund of national property, the pledge of our future glory and defence. It was scarcely one short year after the close of the late war, and when the burden of its expenses and charges weighed heaviest upon the country, that Congress, by the act of 29th April, 1816, appropriated one million of dollars annually, for eight years, to the gradual increase of the navy. At a subsequent period, this annual appropriation was reduced to half a million for six years, of which the present year is the last. A yet more recent appropriation of the last two years, for building ten sloops-of-war, has nearly restored the original appropriation of 1816, of a million for every year. The result is before us all. We have twelve line-of-battle ships, twenty frigates, and sloops-of-war in proportion; which, with a few months of preparation, may present a line of floating fortifications along the whole range of our coast, ready to meet any invader who might attempt to set foot upon our shores. Combining with a system of fortifications upon the shores themselves, commenced about the same time under the auspices of my immediate predecessor, and hitherto systematically pursued, it has placed in our possession the most effective sinews of war, and has left us at once an example and a lesson from which our own duties may be inferred. The gradual increase of the navy was the principle of which the act of 29th April, 1816, was the first development. It was the introduction of a system to act upon the character and history of our country for an indefinite series of

ages. It was a declaration of that Congress, to their constituents and to posterity, that it was the destiny and the duty of these confederated States to become, in regular process of time, and by no petty advances, a great naval power. That which they proposed to accomplish in eight years is rather to be considered as the measure of their means, than the limitation of their design. They looked forward for a term of years sufficient for the accomplishment of a definite portion of their purpose; and they left to their successors to fill up the canvas of which they had traced the large and prophetic outline. The ships-of-the-line and frigates, which they had in contemplation, will be shortly completed. The time which they had allotted for the accomplishment of the work has more than elapsed. It remains for your consideration how their successors may contribute their portion of toil and of treasure for the benefit of the succeeding age, in the gradual increase of our navy. There is, perhaps, no part of the exercise of the constitutional powers of the Federal Government which has given more general satisfaction to the people of the Union than this. The system has not been thus vigorously introduced and hitherto sustained, to be now departed from or abandoned. In continuing to provide for the gradual increase of the navy, it may not be necessary or expedient to add for the present any more to the number of our ships; but should you deem it advisable to continue the yearly appropriation of half a million to the same objects, it may be profitably expended in providing a supply of timber to be seasoned, and other materials for future use in the construction of docks, or in laying the foundation of schools for naval education, as to the wisdom of Congress either of those measures may appear to claim the preference.

Of the small portions of this navy engaged in actual service during the peace, squadrons have continued to be maintained on the Pacific Ocean, in the West India seas, and in the Mediterranean; to which has been added a small armament to cruise on the eastern coast of South America. In all they have afforded protection to our commerce, have contributed to make our country advantageously known to foreign nations, have honorably employed multitudes of our seamen in the service of their country, and have inured numbers of youths of the rising generation to lives of manly hardihood and of nautical experience and skill. The piracies with which the West India seas were for several years infested, have been totally suppressed. But in the Mediterranean they have increased in a manner afflictive to other nations, and but for the continual presence of our squadron, would probably have been distressing to our own. The war which has unfortunately broken out between the republic of Buenos Ayres and the Brazilian Government, has given rise to very great irregularities among the naval officers of the latter, by whom principles in relation to blockades, and to neutral navigation, have been brought forward, to which we cannot subscribe, and which our own commanders have found it necessary to resist. From the friendly disposition toward the United States constantly manifested by the Emperor of Brazil, and the very useful and friendly commercial intercourse between the United States and his dominions, we have reason to believe that the just reparation demanded for the injuries sustained by several of our citizens from some of his officers, will not be withheld.

DECEMBER, 1826.]

*Preliminary Business.*

[SENATE.]

Abstracts from the recent despatches of the commanders of our several squadrons are communicated with the report of the Secretary of the Navy to Congress.

A report from the Postmaster General is likewise communicated, presenting, in a highly satisfactory manner, the result of a vigorous, efficient, and economical administration of that Department. The revenue of the office, even of the year including the latter half of 1824, and of the first half of 1825, had exceeded its expenditures by a sum of more than forty-five thousand dollars. That of the succeeding year has been still more productive. The increase of the receipts, in the year preceding the first of July last, over that of the year before, exceeds one hundred and thirty-six thousand dollars, and the excess of the receipts over the expenditures of the year has swollen from forty-five thousand to nearly eighty thousand dollars. During the same period, contracts for additional transportation of the mail in stages, for about two hundred and sixty thousand miles, have been made, and for seventy thousand miles annually, on horseback. Seven hundred and fourteen new post-offices have been established within the year; and the increase of revenue within the last three years, as well as the augmentation of the transportation by mail, is more than equal to the whole amount of receipts and of mail conveyance at the commencement of the present century, when the seat of the General Government was removed to this place. When we reflect that the objects effected by the transportation of the mail are among the choicest comforts and enjoyments of social life, it is pleasing to observe that the dissemination of them to every corner of our country has outstripped in their increase even the rapid march of our population.

By the treaties with France and Spain, respectively ceding Louisiana and the Floridas to the United States, provision was made for the security of land titles derived from the Governments of those nations. Some progress has been made, under the authority of various acts of Congress, in the ascertainment and establishment of those titles; and claims to a very large extent remain unadjusted. The public faith, no less than the just rights of individuals, and the interest of the community itself, appears to require further provision for the speedy settlement of these claims, which I therefore recommend to the care and attention of the legislature.

In conformity with the provisions of the 20th of May last, to provide for erecting a penitentiary in the District of Columbia, and for other purposes, three commissioners were appointed to select a site for the erection of a penitentiary for the district, and also a site in the county of Alexandria for a county jail; both of which objects have been effected. The building of the penitentiary has been commenced, and is in such a degree of forwardness as to promise that it will be completed before the meeting of the next Congress. This consideration points to the expediency of maturing, at the present session, a system for the regulation and government of the penitentiary, and of defining the class of offences which shall be punishable by confinement in this edifice.

In closing this communication, I trust that it will not be deemed inappropriate to the occasion and purposes upon which we are here assembled, to indulge a momentary retrospect, combining, in a sin-

gle glance, the period of our origin as a national confederation with that of our present existence, at the precise interval of half a century from each other. Since your last meeting at this place, the fiftieth anniversary of the day when our independence was declared, has been celebrated throughout our land; and on that day, when every heart was bounding with joy, and every voice was tuned to gratulation, amid the blessings of freedom and independence, which the sires of a former age have handed down to their children, two of the principal actors in that solemn scene, the hand that penned the ever-memorable declaration, and the voice that sustained it in debate, were, by one summons, at the distance of seven hundred miles from each other, called before the Judge of all, to account for their deeds done upon earth. They departed, cheered by the benedictions of their country, to whom they left the inheritance of their fame, and the memory of their bright example. If we turn our thoughts to the condition of their country, in the contrast of the first and last day of that half century, how resplendent and sublime is the transition from gloom to glory! Then, glancing through the same lapse of time, in the condition of the individuals, we see the first day marked with the fullness and vigor of youth, in the pledge of their lives, their fortunes, and their sacred honor, to the cause of freedom and mankind. And on the last, extended on the bed of death, with but sense and sensibility left to breathe a last aspiration to Heaven of blessing upon their country; may we not humbly hope, that to them too, it was a pledge of transition from gloom to glory; and that while their mortal vestments were sinking into the clod of the valley, their emancipated spirits were ascending to the bosom of their God!

The Message was read; and, on motion of Mr. HOLMES,

*Ordered*, That three thousand copies of the said Message, and fifteen hundred copies of the documents accompanying it, be printed for the use of the Senate.

FRIDAY, December 8.

*Preliminary Business.*

The following motion, by Mr. CHAMBERS, was taken up:

*Resolved*, That, in the appointment of the Standing Committees, the Senate will proceed by severally appointing the Chairman of each committee, and then by one ballot for the other members necessary to complete the same; and a majority of the whole number of votes given shall be necessary to the choice of chairman."

A short discussion took place on the expediency of the mode proposed by the resolution, in which the mover and Messrs. JOHNSON, of Kentucky, BENTON, MACON, VAN BUREN, and HOLMES, took part.

The question being then taken on the resolution of Mr. CHAMBERS, it was decided in the affirmative by yeas and nays, as follows:

YEAS.—Messrs. Bateman, Bell, Boulligny, Chambers, Chase, Clayton, Edwards, Harrison, Hendricks,

Holmes, Johnston of Lou., Knight, Marks, Noble, Reed, Robbins, Rodney, Ruggles, Sandford, Seymour, Silabee, Smith of Md., Thomas, Van Buren, Willey—25.

YAYS.—Messrs. Barton, Benton, Berrien, Branch, Chandler, Cobb, Dickerson, Eaton, Findlay, Hayne, Johnson of Ky., Kane, Macon, Rowan, Smith of S. C., Tazewell, White, Williams, Woodbury—19

Adjourned to Monday.

TUESDAY, December 12.

*Imprisonment for Debt.*

Mr. JOHNSON, of Kentucky, rose, and said, that he had given notice a few days since that he would ask leave to introduce a bill, for the abolition of Imprisonment for Debt. He hoped, in now fulfilling his engagement, it would not be considered an intrusion, if he delayed the Senate with a few brief introductory remarks. If he had entertained a single doubt as to the claim of the subject to attention, either as regarded principle or expediency, he should not have been so confident, or so persevering, in pressing this measure upon the Senate. The subject had already been agitated, and met the approbation of a majority of the body. But, on a former occasion, time was not afforded for a final decision. Imprisonment for debt had no advocates among the generous and enlightened portions of our citizens; it had no advocates among the generous or benevolent classes of mankind, in any country. Nor had it been considered, by such men, other than a barbarous custom, since the days of Greece and Rome, when a debtor and his whole family were sold into slavery, for the satisfaction of a debt which it was out of his power to discharge. To Mr. J., imprisonment for debt seemed as horrible as the Spanish Inquisition; they were both unjustifiable before God and man; nor was the Inquisition more disgraceful to the Spanish Government, than was the barbarous custom of imprisoning harmless debtors in this free and enlightened country. He believed imprisonment for debt had caused as many sighs and tears from the wretched sufferers under its inflictions, as the Inquisition—that mighty instrument of the baseness and power of tyranny; and nothing but deep-rooted prejudice in the minds of the people had perpetuated it in enlightened and liberal Governments.

It had been his unhappy lot to see a free man, who had fought for his country—a man who was not meant by nature for a slave, but who was born to the possession of the liberty which he loved—walking, dejected, through the public street, a prisoner, attended by a petty officer, because he had forfeited his bond, and was unable to meet an obligation made with honest intentions. By some, it might be supposed that it was not in the power of Congress to change this system; but it would not be sufficient for him to go home to his constituents, who had ennobled themselves by entirely

abolishing imprisonment for debt, and say that there were insuperable difficulties to obstruct the passage of his bill; that, great as the evil confessedly was, there was no remedy within the reach of Congress. This would not be satisfactory: for he had never read in any newspaper, and had never heard from any politician, or even from a stump orator, one sentence, so far denying the inherent freedom of man, as in any manner to advocate imprisonment for debt.

In the picture of London, Mr. J. said, which had lately accidentally fallen into his hands, he had read a description of a monument erected in honor of the benevolent Howard. Why was a monument built to his memory? What had he done to merit such distinction? He visited and cheered the prisons of the unfortunate; he alleviated the distresses of individuals torn from their friends by the merciless provisions of the law. And such a monument would never have perpetuated his memory, had not imprisonment for debt been acknowledged as a violation of the principles of humanity. Should it not, then, if such conduct was applauded in the subject of a monarchy, be improved and imitated by a free and generous people?

Mr. J. said he did not intend to go at length into the subject at present; and he relied on his venerable friend from North Carolina, (Mr. MACON,) and other of his fellow Senators, whose opinions corresponded with his own, to support and assist him in hereafter discussing the merits of this bill. He should close with a few more remarks. He looked upon imprisonment for debt to be equally a violation of the Declaration of Independence and of the Constitution, as would be the erection of an established religion. It equally violated the principles for which our fathers shed their best blood. It violated the rights of man, as defined by the charter of our liberties, by chaining him in solitude, and debarring him from the use of his locomotive powers; and he asserted that this system of imprisonment had its origin in judicial usurpation. He would go no farther back than to its origin in England, to prove this position. In a remote period of the history of that nation, it would be found that the courts assumed the power of imprisoning the body on mesne process, and although this right was continually restrained by Parliament, it at length became authorized by long practice, and by the Government.

This barbarous custom, which had been copied by us from England, had its origin in usurped power. Should this country, then, go on to sanction it? Would it not rather be but acting according to the dictates of justice and humanity, to abolish it entirely? In the course of the proceedings, it would be assumed and established, that philanthropic and liberal minds had, in every age, denounced it, and that, wherever it existed, it was supported by an aristocracy, at war with rational liberty, and

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by the cruelty of hard-hearted creditors. History would show that it had fomented discontents, which ended in revolt and bloodshed; and it would be shown to be in utter violation of the Holy Scriptures. On the other hand, it would be established, that, where imprisonment for debt had been abolished, a salutary restraint upon undue credits had ensued. A more equitable and more confidential state of things existed in the relations of debtor and creditor, and honor and justice had taken the place of vengeance panting for the pound of flesh, to be cut off nearest the heart. It could be shown, that, wherever this system had been abolished, the change had been attended by the most beneficial effects, instead of those evil consequences, which many of the enemies of this bill anticipate.

Believing these facts, Mr. J. called on the wisdom and the patriotism of the Senate, to aid him in abolishing a feature of the laws which could be shown to be a disgrace to the country, and a relic of despotism, which it became their duty to obliterate. On a former occasion, he had hoped that this subject would meet with more courtesy than was then extended to it by his brother Senators. He had had an up-hill task ever since he first proposed the subject, and had obtained its introduction with great difficulty. He asked whether it was not a parliamentary practice, when a member proposed a new subject, to treat it at least with patience and forbearance? And did not his seat entitle his proposition to be treated with proper attention? As to the committee to which the matter should be referred, he was not solicitous to be one of its members; he did not care if he never served upon a committee again, so far as the honor of the appointment went. His only wish in this case was, that the bill might be put into the hands of a committee—whether special or not, he was not particular; but at all events, that the matter should be deliberated upon.

Mr. J. concluded, by remarking that the remainder of his term of service as a Senator, embraced three years, and in that time he wished this bill to be fully acted upon. Whatever might be the decision upon its merits, he should, as was his duty, submit. But, while that decision was suspended, thinking, as he did, he felt it to be his duty to press the subject to an issue. He repeated that, on a former occasion, it met with obstructions which he had not allowed himself to expect; and it had caused him the deepest regret that, on a subject on which his conceptions were so clear, and which seemed to him so unquestionable, he should have to encounter hostile opinions. But he hoped, on the present occasion, to be more fortunate; and that the Senate would grant him a committee as favorable as possible; and then, that the bill might be rejected—or pass, to the immortal honor of this assembly.

Mr. JOHNSON then, having obtained leave, introduced the bill, which was twice read by

general consent, and referred to a select committee.

FRIDAY, December 29.

*Investigation of the Official Conduct of the Vice President, when Secretary at War.*

The following letter from the VICE PRESIDENT, was read by the Secretary:

*"To the Secretary of the Senate:*

"SIR: Having addressed, this morning, to the House of Representatives, a communication which may claim an investigation of my official conduct while in the discharge of the duties of the Department of War, you will please make known to the Senate, that a sense of propriety forbids me from resuming my station till the House has disposed of this subject.

"Very respectfully, I am yours, &c.

J. C. CALHOUN.

WASHINGTON, 29th December, 1826."

Mr. BENTON made a motion that, in order to give time for the investigation alluded to in the letter, when the Senate do adjourn, it adjourn till Tuesday; which was agreed to.

TUESDAY, January 2, 1827.

*Election of President of the Senate, pro tem.*

At half past twelve o'clock, the Vice President not appearing to take the chair of the Senate,

Mr. HOLMES rose, and, addressing the Secretary, moved that the Senate proceed to the election of a President, *pro tempore*.

The question being put to the Senate by the Secretary, the motion was agreed to, *nem. con.*, and, on counting the ballots, it appeared that the whole number given in was forty-six—necessary to a choice, twenty-four.

Mr. MACON having received a majority of the whole number of votes given, was declared duly elected President of the Senate, *pro tempore*, and, being conducted to the chair, made his acknowledgments to the Senate for the honor conferred upon him, and took his seat.

THURSDAY, January 4.

*The Yazoo Purchase.*

On motion of Mr. ROBBINS, the Senate proceeded to the consideration of the bill for the relief of Ebenezer Oliver, and others, Directors of the New England Mississippi Land Company, (a long standing claim, growing out of the Yazoo purchase, the nature of which has heretofore been often stated. The bill directs the payment to the Company of \$95,403.)

In support of this bill, Mr. ROBBINS addressed the Senate as follows:

I will state the grounds which have induced the committee (that is, a majority of them) to report in favor of this petition; the Senate will judge of the efficiency of those grounds.

The United States made an agreement with the petitioners, (I speak according to the legal effect of their respective and mutual acts,) that,

if the petitioners would release their title to the lands in question to the United States, that the United States would pay the petitioners therefor a certain amount of money; provided that title was found to be a good and legal title. The release was accordingly executed in due form of law.

The United States instituted a Board, to examine this title; and the Board decided in favor of the title as to about nine-tenths of the land, and against the title as to the other tenth. The decision as to this tenth is plainly erroneous; the Supreme Court have so decided; the Board itself has become so sensible of it, that they have certified to the same effect; that is, two out of three, and they are the only survivors of the Board. Indeed, the rule by which the Board decided, is so obviously inapplicable to the case, that every mind must see the impropriety of the application. They decided upon the title, not by the laws of Georgia, where the title was created; not by the laws of Massachusetts, where the title was transferred; but by the laws of Maryland, and which, as to the principle by which they decided, is peculiar to the laws of Maryland, and unknown both to the laws of Georgia and of Massachusetts. The laws of Maryland, surely, could not affect a title created by the laws of Georgia, and in contradiction to the laws of Georgia.

The Supreme Court have decided that the title of the petitioners was a good and legal title. Then the release of the petitioners did operate to vest in the United States a good and legal title to these lands; to this tenth, as well as to the other nine-tenths. The only good and legal title which the United States have to these lands, is derived from that release; and the grantees of the United States, if ever called upon to defend themselves in their grants, must defend on the title of the United States, derived from that release. This being so, it appeared to the committee (I mean to a majority of them) to be impossible, to say that the petitioners were not justly entitled to this money. The United States were to pay for a good and legal title from them; they have got a good and legal title from them.

As to this tenth, the Board decided that it belonged partly to the United States, and partly to certain individuals; about three-fourths to the United States, and the other fourth to these individuals. As it respects those individuals, the committee were of opinion that the decision must stand, and they report accordingly. They think it must stand, as the authority of the Board, as to those individuals, is made final, and as the money has actually been paid to them. The decision is not only made final, as to them, but it has been executed as to them. By this loss, therefore, the petitioners must abide; the amount paid to those individuals is about thirty thousand dollars. With this deduction from the claim of the petitioners, we think their claim ought to be allowed; the res-

idue is about ninety-five thousand dollars. That money is, I understand, now in the Treasury, originally appropriated to this purpose, and not since appropriated to any other. Their claim, therefore, can be satisfied without any new appropriation; and to withhold it would be, as it appears to us, inconsistent with the good faith of the Government.

I do not know that it is incumbent on me to anticipate the objections, in order to answer them, which may be raised against this report; I think it proper first to hear them. And for this purpose I will now give way.

Mr. KANE said, that the large amount proposed to be appropriated for individual use, upon grounds connected with the Yazoo land speculation, had induced him to examine the subject with some care; and whilst he claimed to participate in the just and general regard paid to the judgment of the Judiciary Committee, this inquiry had produced in his mind a strong impression against passing the bill. The question was not new to the Senate. The same committee, (although not composed of the same members entirely,) in 1823, reported, in decided language, against the claim. Upon a state of facts, which no subsequent occurrence had varied, the Judiciary Committees, of the last and present sessions, had advised the payment of the money. He considered their reports to be defective and unsatisfactory, inasmuch as, in his opinion, they took a view by far too limited, of the facts which made up the history of that extensive speculation. The cession act of Georgia, the laws of Congress subsequently enacted, and the proceedings under them, were stated with proper accuracy, and constituted, in the opinion of the committee, the sufficient foundations of the claim. A more general survey of the facts had produced in his mind this result: that all the claim or title of the purchasers, under the act of Georgia, to Yazoo lands, must be looked upon as property obtained in consequence of a fraudulent advantage over the laws of the land. He spoke of it as a fraud, because, indeed, it was such, and of the most pernicious kind, corrupting in its progress the very fountains of legislation. The title was of an anomalous nature, which existed only because of the want of power in the courts of the country to pronounce upon the motives of the Georgia Legislature. On a second view of the subject, it appeared to him that this fraudulent advantage had been lost in the acts of mutual reference and final decision, and lost, too, much more fairly than it was obtained. And now, after a lapse of thirty years, the Yazoo speculators were placed before Congress upon the same footing with other claimants, to succeed upon grounds of justice alone. But as to the intrinsic justice of this claim, the report was as silent as the grave; and in that it was deficient. To establish this position he would go over the leading facts in relation to it.

In the year 1795, in the month of February, the Legislature of Georgia sold to four compa-

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nies the whole of the territory of that State west of the Alabama River, comprising forty millions of acres, for the sum of five hundred thousand dollars. The Georgia Mississippi Company purchased so much of this tract as lay between the Tombigbee and Mississippi Rivers, for one hundred and fifty thousand dollars. He had never heard a doubt expressed that this transaction was effected by the corruption of both parties to the sale. One fact was sufficient to characterize the sale as a fraud; it was, that every member of either House, who voted for the bill, but one, was interested in the project. One month before the sitting of the Legislature, of the succeeding year, this company sent an agent to Boston, who sold to a company formed in New England, all right and title to these lands, giving to those purchasers a peculiar deed, which he would hereafter notice—the whole purchase money to be paid in three years, the first instalment in the May following. It was essential to remark, that this sale was effected just one month previous to the meeting of the Georgia Legislature, and that the first instalment was not due until the next May. The Legislature of 1796 was convened. It was formed of different men from those of the preceding session, of men elected by a people who had been grossly defrauded by their agents. They took this matter into severe consideration, and, after stating the frauds and injuries which their constituents had suffered, by the act of their predecessors, they passed a bill to rescind that act; thereby abrogating, as far as was in their power, all transactions under its pretended authority. The rescinding bill contained a clause, which made it the duty of the Governor of Georgia to publish, throughout the United States, the passage of that law, the object of which was, to give to the whole world a knowledge of the facts. Notwithstanding the publication of this act, several months previous to the time at which the instalments became due, the New England purchasers paid, in May, the first instalment of two cents per acre, and received from the Georgia Company the debts which had been drawn in January, and lain in escrow until that time. He had given this statement, to show the nature of the speculations, as well with regard to one company as the other. And, he maintained that the New England Company had no better right to indemnification than the Georgia Company; for they were purchasers with a full knowledge of the fraudulent manner in which the act, authorizing the sale, had been passed.

[Mr. K. then narrated the measures taken by the Government of the United States, subsequent to the act of the Legislature of Georgia, which ceded the Yazoo lands to the United States, until the act of April, 1814, when the sum of 1,500,000 dollars was appropriated out of the proceeds of the sales of land, as indemnification to the claimants of those lands.]

A Board of Commissioners, said Mr. K., was

appointed to decide upon the claims; the decision was to be final, and the Commissioners were required to form their opinions upon principles of both law and equity and were, moreover, bound thereto by oath. The claims were submitted, and admitted, with the exception of a claim to indemnify for nine hundred thousand acres, which was resisted both by the Georgia Company and by the United States; by the former, on the ground that the New England Company had not paid the purchase money, and that the Georgia Company, consequently, held an equitable lien upon it; and, by the latter, on the ground, that the land had been ceded to the United States by Georgia, and that the members of the Georgia Company had either relinquished their claims to the State of Georgia, or the United States. The New England Company replied, that their grantors had been fully paid, by the execution and delivery of the negotiable notes of its several members; but admitted that these notes had not been paid to the extent alleged.

Thus, three sets of claims were set up for this amount of the appropriation: one founded upon a deed, another upon a failure of consideration, and that of the United States, founded upon the facts he had stated. He would submit the question to every member of the Senate, (requiring him to discard the technical notions of the law-schools,) upon the broad grounds of natural justice, Who had the better right? Upon these grounds, could an allegation, distinguishing the rights and liabilities of the company from those of the individuals composing it, avail any thing? These notes remained in the hands of the Georgia Company, and had not been negotiated, and remained unpaid. Was it not right that the parties, in reference to each other, should be placed in the same condition as though no bargain had taken place, for the property not actually paid for?

The Commissioners gave their decision in favor of the United States. Instead of placing the decision upon the broad grounds he had adverted to, they gave a reason for it, the more extraordinary, as it was unnecessary. The doctrine of an equitable lien, as asserted by the Georgia Company, was sustained; the consequence of which has been, that, in all discussions concerning this decision, the reason given for it has been assailed, and held up as unsound and fallacious. This was not the only instance of a good decision for a bad reason. But, said Mr. K., it is no inquiry with me, whether this decision be right or wrong; nor is it one, in my view, at all material to the success of these petitioners. The judgment of these commissioners, upon all legal rights, was final. They were appointed for the ultimate settlement of these claims, and must, like all courts of special and limited jurisdiction, thus constituted, be allowed to have acted under a proper sense of their responsibilities and oaths. According to their judgments, they did settle them, and that



advantage, which had been obtained in the odious manner he had described, was surrendered by the agreement of all parties, and, having once been forfeited by the act of a tribunal, having ample, competent, and final jurisdiction, there was an end to all right of complaint. As to the conclusive power of these Commissioners, there could be no doubt; and it would have been a strange course, to have vested them with less than final jurisdiction. The law so expressed it. The act of 1814 had no other purpose in view, and the people of the United States supposed that, under that law, this delicate matter had been arranged and settled forever. One million five hundred thousand dollars had been appropriated, to quiet pretensions, confessed on all hands to have been of fraudulent origin; a tribunal was created, before which these claimants might have appeared or not, at their election. They did appear, asserted their demands, and did every other act to manifest their willingness to abide its determination. They received the money awarded them, and thus sealed their lips against all complaints of the want of power in the judges. Had the decision been against the United States for every dollar of the money appropriated, the Government was without a remedy. And shall we, asked Mr. K., set aside a decision favorable to the Government, upon any ground? Yes, on one ground, and on that only—when a claim, intrinsically just, shall appear to be unsatisfied. It was well established, that this character did not belong to the subject of the present debate. He never would do an act which might be construed into an admission of the purity of the active members of the old Georgia Company—nor do such essential injury to the people of the United States, as to take money from their pockets, to reward such iniquity. And, above all, he protested against the revival of an advantage surreptitiously obtained over the laws and property of his country. That advantage was now extinguished, and, as to the interesting qualities, “justice and equity,” this claim was in a condition of the most absolute destitution.

He had said he could produce evidence to show, that the claims of the New England Company could be placed on no better footing than those of their grantors, because they must have been equally aware of the fraud of the act under which the whole speculation was conducted. Why were they as well acquainted with the nature of the transaction? Because General Washington, by a public Message, delivered to Congress one month after the passage of the obnoxious law, and eleven months previous to the sale to the New England Company, put the whole people of the United States upon their guard against speculating under that act. The rescinding law was passed and published several months before the first installment of the purchase money was paid. And, he would not state to the Senate the well-established law in reference to such payments.

Had these people been ignorant men, who could not read, or would not, as a matter of course, industriously search for every thing published about a speculation on which they were intent, a different conclusion might be drawn. But men who deal in millions, are fairly chargeable with this notice, before an assembly not restrained by any other than considerations suggested by the duty of obedience to the constitution, and by an intercourse with, and a knowledge of, men and things, as they really are. Could it be believed, that the complaints of the people of Georgia had not reached Boston before this purchase? Should we adopt, in favor of the claimants, so improbable a conclusion? Should we suppose, that the notice, enjoined to be given as a matter of duty, by the Governor of Georgia, was not given?

There was one other fact he would name, which constituted in all law, human or divine, competent and credible testimony, to wit: the voluntary confessions of the party himself. When the New England Company closed their bargain, they received a deed, containing a covenant, which Mr. K. would read, from the elaborate report made by Messrs. Madison, Gallatin, and Lincoln.

[He then read an extract from the deed, by which it was specially covenanted, that there was to be no return of the purchase money, in the event of a failure in the title.]

Could it be said, then, resumed Mr. K., that the New England Company was deceived, that their eyes were not open to the contingency implied by this clause, which secured the Georgia Company from all liability, however the act of the Legislature might be construed? The deed, in substance, spoke these words, and it is impossible they could have been misinterpreted or misunderstood: “We are selling you a title acquired under a law which may turn out to be null, on account of our villany, or our villany may so far transcend any thing foreseen by the framers of the constitution, as to be beyond all control; in either event, we keep the money, and you the land, if you can.”

In conclusion, Mr. K. observed, that he felt every disposition to appropriate the funds of the nation to the payment of all fair claims upon its justice or its bounty, and, whenever he could be satisfied by arguments, not founded upon trite and technical notions of metaphysical law, but those drawn from the dictates of a plain understanding, that this claim ought to be allowed, he would give it his support. He wished to be understood, and would recall to view the positions he had taken.

First. No title was originally acquired under the Georgia act of '95, but an advantage, which was the offspring of bribery, which could not be disregarded in a court of law, because, for wise reasons, the judicial power of the country did not extend to the examination of the motives of the Legislative branch of the Government of Georgia.

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Second. This advantage had been voluntarily surrendered, and entirely extinguished, without any fault of the United States.

Third. As no peculiar incident to the claim now existed, it must be settled like all other claims, upon its inherent merits.

Fourth. That, neither in the hands of the original purchasers, nor of the New England Company, could any such merit be perceived.

Mr. MILLS remarked, that he did not rise to continue the discussion, or to answer the elaborate arguments of the gentleman who had last spoken. He must say, however, that he thought those arguments more applicable to the bill of 1814, at the time of its passage, than to cases which have since arisen directly under that act. But, as no gentleman seemed now prepared to answer the objections offered to the bill, he would move to make it the special order of the day for Monday next.

Which motion was adopted.

FRIDAY, January 5.

*Road in the Territory of Arkansas.*

The bill to authorize the President of the United States to cause a road to be constructed from Fort Smith in Arkansas, to Nachitoches, in Louisiana, was read a second time.

On motion of Mr. HENDRICKS, the report of the committee on this subject was read.

Mr. CHANDLER made a few remarks on the amount of the sum appropriated, (\$21,000,) which, he observed, was greater than the estimate of the expenses, by six thousand dollars.

Mr. HENDRICKS, in answer, read from the volume of last year's printed documents a statement relative to the necessity for the construction of this road.

Mr. BENTON said that he considered this bill to be based on just and equitable principles. The lands through which, and to which, this road was to run, were almost exclusively the property of the United States; and, until a road should be cut to lead to them, they would not be settled. He thought that, where large tracts of land were owned by the United States, it became a duty, on their part, to open facilities of communication, by the construction of roads, as it was the duty of any other landholder. The doctrine had long been sanctioned by Congress, and the provisions of this bill seemed to rest on plain principles, peculiar to itself, which pointed out the justice of the appropriation.

On the question of ordering the bill to be engrossed, a division was called, when the Senate refused to concur—15 to 18.\*

Adjourned to Monday.

TUESDAY, January 9.

*Deaf and Dumb Asylum in Kentucky, &c.*

The bill to provide for the location of the two townships of land reserved for a seminary

of learning in the Territory of Florida, and to complete the location of the grant to the Deaf and Dumb Asylum of Kentucky, was then taken up.

Mr. EATON said that, last year, a similar bill was passed; but, by some error, the location of one of the townships had not been made, and the other had been considerably diminished by rights of pre-emption. The object of this bill was to settle the location of one of the townships, and to empower the agent of the institution to select from other lands as much as had been abstracted by the rights of pre-emption.

Mr. KING wished to inquire why the location of the one township was to be made at a distance from the other, and why this bill was brought forward to ask a more advantageous allotment of land for the Deaf and Dumb Institution of Kentucky? For his own part, he was not prepared to grant the land to that institution. He had understood, at the time this bill was passed, that it was for the benefit of an unfortunate class of society; but he had no expectation that the claim for that class of persons would be brought into contact with the rights of other individuals. But the land, said Mr. K., had all been selected in the vicinity of the honest and industrious settlers of Florida, and much of it belonged to those settlers. He did not wish to injure those settlers; and he thought the unfair manner in which the selection had been made, rendered the institution undeserving of the boon that had been granted. He therefore moved to strike out that clause relating to the Deaf and Dumb Institution of Kentucky, in order that information might be obtained as to the manner in which that selection of lands had been made.

Mr. EATON said he would inform the gentleman as to the design of this bill, although he was not, perhaps, so well qualified to do it satisfactorily as some other gentlemen. If the Senate intended to make it an *Indian gift*, it would perhaps be the best method to adopt the motion just proposed. But, if that body meant to act in good faith, that certainly was not the course to be pursued. Should the Senate, after having granted the land for this specific object of benevolence, because by error the location had been made upon the property of other individuals, and thereby the subject was once more subjected to legislation, withdraw their bounty, and say, because an error had thrown the institution into their power, take back the appropriation? He trusted not. If there was any fault, it seemed to him that it must have been that of the agent. He made the selections, and, if they were made wrong, certainly the blame rested upon him. But, for his own part, he did not consider that there was impropriety in the selection. The question of right, he thought, even as it stood, was in favor of the deaf and dumb of Kentucky. Their claim he considered better than those of the settlers of Florida, because the law was passed granting

\* The bill was rejected because one end of the proposed road was to touch, and barely touch, the soil of a State.

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this township before that granting the lands of the settlers. He had come to the conclusion, that the law which was first placed upon the statute book gave a better claim than a subsequent law. The right seemed clearly on the side of the College of Kentucky; but the institution did not contend for that right, and their moderation in declining to urge what they were justly entitled to, deserved a better fate than to have the grant once given them withdrawn altogether. Supposing that the claim of the institution to the land was not as good as the claim of the settlers, still such a measure would be rigid and unjust. The act passed formerly enacted, that two townships should be reserved, and one had been reserved on the Pascagoula; but it had been considered expedient to change the location of the township, and another had been selected. This was done because the territory was supposed to be divided by two interests, and it was an extensive tract of country; and, as the grants were for two institutions, it seemed desirable that they should be separate, and in no way interfere with each other.

The bill was ordered to be engrossed for a third reading.

WEDNESDAY, JANUARY 10.

*Sale of Reserved Lead Mines.*

The bill to authorize the President to expose for sale the reserved lead mines, in the State of Missouri, was then taken up, and the report of the committee thereon was read. [The committee on the public lands had recommended the indefinite postponement of the bill.]

Mr. BEXFORD said it was now four years since he had brought forward a system of measures with respect to the sale and disposition of the public lands, of which the bill under consideration formed a part. The greatest difficulty he had met with in the prosecution of this system was to find the proper time for doing it. He was always met by an objection as to the time; and now, as heretofore, there was a proposition of indefinite postponement, because the present was not a suitable time. He expatiated upon this species of objection, as more fatal, because often insidious, than direct objections in front. He considered it the bane of legislation, and instanced the numerous failures which had occurred in the British Parliament on the subject of reform, because a suitable time could never be found.

The bill had once received the favorable decision of the Senate upon it. The older members—and those who had been here a few years might be counted in that class—would recollect, that the policy of selling out these mines and throwing them into the mass of private property, had been amply discussed in this body, about four years ago, and sanctioned by a vote almost unanimous. For himself, he considered the whole business of leasing and renting these mines, as now carried on, to be

unwarranted by the letter or by the construction of any law. The superintendent, his clerks, his office, and salaries, were all unknown to the laws of the land. They were created by establishing a construction upon a construction, an implied power upon an implied power, a pretension upon a pretension. He called upon Senators to look into the origin of the superintendency over lead mines in Missouri, and they would find it to be without law, and above law.

He adverted to the power delegated to the agent to make reservations, and the extent of those made. The law authorized the reservation of *mines*, and everybody knew that a mine was a point, a pit in the earth, from which was dug ores and minerals. Yet, this agent, instead of reserving *mines*, was covering the face of the country with reservations. He took a township at a time, with houses, farms, orchards, and arable land. In this way he had already reserved about 660,000 acres, equal to one thousand square miles, and was still going on. Patents were denied to farmers, whose lands, purchased at public sale from the United States, were thus reserved; and the owner had the option to take back his purchase and lose his improvements, or go into the courts of the United States for a tract of land which would not pay a lawyer's fee. Such a policy was not only injurious to individuals, but to the whole mineral region of country.

He adverted to the provisions of the bill. They directed the mines to be advertised in every State of the Union for six months before they were sold. This would bring bidders from all distances, would attract capitalists from all quarters, and ensure a sufficient competition at the sales. It would bring much money into the treasury for property which was now useless; but he considered the amount to be derived from the sales, as a trifle compared to the benefit which would accrue to the Government from the increased wealth and population of the country.

The amount of duties paid upon articles of foreign production, now consumed by the miners, was worth more to the Government than their paltry rents, and if thrown open to individual enterprise, if covered with large capitalists, and worked on a scale proportionate to their extent and value, this amount of duties would be proportionably increased. He considered the wealth of the Government to consist in the wealth of its citizens, and that it was the duty of the Government to promote the wealth of its citizens. He looked upon the present mode of managing these mines, as a species of tyranny and folly, in which the rights of individuals were invaded, and a sovereign State injured, without profit to the Federal Government.

He said it was right, occasionally, to recur to first principles. It would be well to do so on the present occasion, and see if this Federal Government was created for the petty business

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of leasing lead mines and salt springs. Certainly it was created for no such insignificant purposes, but for the great purposes of peace and war, and foreign relations, and a few other objects of universal concern to the whole Union.

Those who framed the constitution would have scouted the idea of making the Federal Government a lead-mine digger, and a salt-water boiler; and even now a proposition to amend the constitution to give such a power, would be rejected with contempt. Yet we exercise the power, and have exercised it for many years, without law or constitution, but by instructions from the Executive Government. The lead which is collected is sold by agents, although by the constitution it is the property of the United States, and can only be sold by an act of Congress. He concluded by saying that the bill was well guarded. It did not compel the sale of the mines, but only permitted it. It merely removed the inhibition, and left it to the discretion of the President to order the sales as he should think proper. He believed that no person could wish to see this species of property held and wielded by the Federal Government. He rested upon the former undivided opinion of the Senate in favor of delivering up these mines to the activity of individual enterprise, and hoped that the bill would receive their favorable consideration.

Mr. BARTON said, that he should offer only a few remarks. He considered this bill as good, and as well drawn as could be wished; but he did not agree in the opinion that it was expedient, to authorize the sales of the lead mines at the present moment. This bill made it the duty of the Executive to cause the value of the mines and their advantages to be set forth in advertisements. But he believed the surveys and examinations, to enable the Government to do this, were now making. The general law had specified the reserving and surveying of lead mines; but had not pointed out where those mines were. The system which had been adopted seemed to be as good as any: the Executive was following up a course of measures which would obtain the knowledge necessary to fulfil the provisions of this bill. The information required could not be given unless acquired by the means now in operation by the Executive. Whenever that should have been effected, the bill could go into effect beneficially, and he thought the opening of these mines to the whole community would be highly advantageous.

Mr. BENTON remarked, that, twenty years ago, the United States appointed an agent to report on the subject of lead mines. He had done so. Besides, it was within his knowledge, that a Mr. Austin, engaged in mining, had, at the request of the United States, made a report on the subject. These reports, and numerous others, came before Mr. Jefferson, than whom no man was more attentive to every source of national wealth. There were many other reports in the hands of the Government, made

by persons appointed as their agents, with a salary of fifteen hundred dollars, whose duty was to explore and superintend these mines. So that volumes of reports must already have been made upon the subject of these lead mines. In fact, a volume of reports was published about three years since. That this mass of intelligence was authentic, was supported upon the authority of the old adage: "nobody sees further into the millstone than he who picks it"—and no one could be supposed to be more correct than persons on the spot, whose business it was to survey the country and make reports of their discoveries. Reports had been made for sixty years—nay, he might say for one hundred and twenty years: and he maintained, that at this moment, there was as much information within the reach of the Executive as was at all necessary. The abstract which would be published of the mines, would give enough information to the general and uninterested reader, and give leading hints to the person designing to purchase. But he should have a poor opinion of any man who would invest money in property of this kind on the faith of any description, without going to the country, and examining for himself. But the bill does not enjoin upon the President to put up the property for sale at any given time; and those who had confidence in the President in matters of far greater importance, would surely have no fear that he would injure the interest of the community by hurrying the sales. The advertisement would go to all parts of the country, and a person who was disposed to invest his money, would go to the place designated, and trust to his own ears and eyes before he purchased, and with a judgment formed on the ground, he would make his bargain. There was nothing in this bill to prevent further reports from coming in. It was carefully guarded, and placed in the President's hands the entire discretion as to the time of the sale.

Mr. HOLMES did not rise to throw light upon the subject, for he confessed he was completely in the dark with respect to it. He had always been opposed to reserving mines; for he thought they ought to be open to individual enterprise. But, he thought, if he now understood the gentleman from Missouri, [Mr. BENTON,] that they were about to authorize the President to sell, before he knew what he was selling. It was true, the purchaser would know all about it. But that would be no recommendation, as it would place the parties on an inequality: the purchaser would know the value of what he was buying, but the Executive would not know what it was selling. He, therefore, thought Congress ought to let the President know what he had to sell, before they bestowed the authority upon him.

Mr. BENTON said, that, as to information, there had already been at least five hundred pages printed upon the subject.

Mr. HOLMES replied, that he should not be.

inclined the sooner to rely on this information from its quantity. He should wish to have a person sent to make a general and accurate survey, and give definite information before any sale was made. We knew that a great deal had been printed—for we were fond of displaying ourselves on paper: but he wished to see a plan with the proper drawings, maps, &c., before the matter was acted upon.

Mr. JOHNSON, of Kentucky, did not agree with the gentleman last on the floor. It did not seem to him absolutely necessary that all the particulars of the property should be pointed out, before it was exposed to sale to the highest bidder. We only wanted to know that there were lead and salt mines: to know that they have been rented by the United States, and what they would produce. Indeed, all was known that was at all necessary. He had heard sufficient on both sides to convince him that the President might go and sell, and reports still continue to be made. It was his opinion that this nation had become too much like a counting-house; disposed to deal in many matters of detail which would be better left to be transacted by individuals: and whenever he found an opportunity to lop off any of the branches of the business of this counting-house he was disposed to do it. He did not mean to insinuate that these matters were not well managed, and on sound principles—it was conducted by agents, and if they were sometimes actuated by improper motives, they were generally honest men. The principle with him, however, operated in this case. Here was a branch of the business of the Government which could be advantageously lopped off, and in a matter which would be with more propriety left to the transaction of individuals. One word, and he had done. It would be awarding to the several States a dignity and importance in the management of their local concerns, to resign into their hands, in instances like this, the disposition of their property; in order that the officers of the General Government might not go on continually increasing to the prejudice of the affairs of those States. The committee had reported in favor of the bill—all parties, he believed, were agreed: he should, therefore, vote against the indefinite postponement, and should vote for the passage of the bill.

Mr. CHANDLER said he had no doubt the President would use sound discretion in not bringing the whole of the valuable mines into market at once, and thus injure their value: but he thought it better to insert an amendment, so as to authorize him to bring them in from time to time. He, therefore, moved to lay the bill and amendment on the table; which was agreed to; and

The bill was laid on the table.

#### *Roads in the Territory of Michigan.*

The order of the day was then called, and the bill from the House to provide for laying

out roads in the Territory of Michigan, was taken up. The report of the committee on the subject, in the other House, and several other documents, were read; among which was a letter from Major-General Brown.

Mr. HENDRICKS said, that he could only recommend this bill to the Senate by observing, that the improvements contemplated by it were of the most vital importance to the portion of the country through which the roads were to pass; and that they came before the Senate with the sanction of the majority of the other House.

Mr. CHANDLER observed, that he should wish to strike out the appropriation for the least important of the objects contemplated, as our funds were not in the most prosperous condition. He perceived that two roads were to be run from Detroit, and he would move to strike off the appropriation of 25,000 dollars for that one which led to Chicago. He would not press this motion, if the Senate were convinced of the necessity of both of these roads. He only desired to retrench as much as possible.

Mr. HENDRICKS said, that, from many considerations this road was considered to be of great importance. He would not ask the Senate to hear all the documents on this subject, but would direct their attention to some passages in the letter of Governor Cass.

[He then read several sentences from that document, recommending this road as one of great utility, both in a mercantile and military point of view.]

He said it was important, as it was to go through the heart of the Potawatamies, one of the most powerful of the Indian tribes. He stated, that through the whole track there was not a white person, and the land was a perfectly barren desert. Governor Cass had stated that the construction of this road would have a great effect on the prices of public lands, as it went through a great portion of those lands. This effect was fairly calculated from the result which had followed the opening of the Black Swamp road. The Governor also stated that the Commissioners had been followed, while making their survey, by persons desiring to purchase land—from which he argued that the opening of the road would greatly accelerate the sales of lands, and augment their prices.

Mr. SMITH, of Maryland, supposed that the roads now contemplated would be of great importance, could they be made, and kept open, for military purposes, in case of a war. But we had some experience of roads not kept in order, from which, perhaps, some useful hints might be drawn. Much money was, on a former occasion, expended in making a road in Florida, from Pensacola to St. Augustine. The pines had been cut down and the road levelled; but, there being no travelling upon it, a growth of oaks in a few years sprang up, in place of the pines, and rendered it impassable, until further expense should be laid out upon it. If

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the roads in the Territory of Michigan could not be travelled, and would, in the lapse of a few years, be again obstructed by the growth of a new forest, it would be useless to cut them through. Whether the growth of wood was similar to that in Florida, and whether the result would be the same, he did not know; but the matter was worthy of consideration.

Mr. BENTON had so often pressed upon the United States the necessity of making roads through their lands, that it was hardly necessary to say that he was in favor of this bill. The principle was well established. As far back as twenty years since, a highly respectable committee of this body, of which Mr. Giles, of Virginia, and Mr. Baldwin, of Georgia, were members—men unsurpassed for discernment and ability—made a report in which the principle was impressed upon Congress, that it was the duty of the Government to make roads through their lands. The consideration of duty, and the strong recommendation of the Commander-in-chief of the Army, seemed to him sufficient grounds for advocating this appropriation. But all of us, said Mr. B., have our own knowledge of the necessity of the provision. There was not a Senator who did not know the position of the road from Detroit to Chicago, and its importance, from its contiguity to Canada, held by a foreign power. It was only from the want of roads that, in many instances, great difficulties were experienced by our forces on the frontiers during the late war. It was impossible to transport provision or ammunition to our troops placed in distant posts; and many disasters which occurred, would never have taken place had there been good, or even bad roads through that wild tract of territory; setting aside the immense expenditure which the Government was forced to incur on account of this deficiency. While Congress was expending hundreds of thousands on the seaboard, was it just that their eyes should be shut upon the necessities of the frontiers? Not that he was inimical to these appropriations for the marine States: he had advocated those objects—but he also wished appropriations to be made, whenever they were required, on the western frontier of the country.

Who among the gentlemen present, did not remember, and almost shudder at the recollection, to have read, while his blood was frozen with horror, of the massacre of Chicago? Women and children, the aged and the helpless, were murdered by the ruthless savages in the trackless forest, whence there was no path for flight. He trusted that the Government would not neglect to provide for the defence of this frontier, that such a scene might not occur, should war again overtake us.

The people of the West, Mr. B. said, paid more than any others, of equal numbers, to the support of the public Treasury: they paid a million and a half annually through the Land Offices: nearly another million through the Custom House at New Orleans, and then a full

proportion of the customs collected at Baltimore, Philadelphia, and New York, and even something to Boston. This arose from their consumption of foreign goods, as they had not manufactories which furnished fine cloths and cottons, as the people of New England had; and they paid for more, in proportion to their numbers, than the people of the other parts of the country.

He could not refrain from smiling, when he heard it boasted that New York paid twenty millions in duties. For, in the western country, the taxes were far more burthensome, and their contributions to the revenue of the United States far greater, in proportion, than those of the Atlantic States. Nor ought they to be deprived of their share of the public expenditure. If the documents of the Land Office of Detroit were examined, it would be found that it was the most productive in the country; and since that section of the Union was paying its share of taxation and tribute to the Government, he saw no good reason why a share also in the benefits flowing from it, should not be granted.

Mr. CHANDLER observed that he had found a new objection to the bill, in the fact of its running through one of the States of the Union. He had at first supposed that it was to be made entirely through the Territories. He, therefore, was now in favor of the postponement.\*

Mr. RUGGLES said, that the portion to be made through a State sovereignty might be stricken out, if that was an objection to the bill. He spoke at some length on the necessity for the road, and the inconveniences to which the inhabitants were now subjected from the want of one. He hoped the gentleman (Mr. SMITH) would consent so to modify his motion as to postpone it to a certain day, that the bill might not be entirely lost.

Mr. SMITH, of Maryland, assented to this suggestion.

Mr. NOBLE said he could not but regret that any proposition should be made for the purpose of defeating the bill. He moved that it be taken up on Monday next; and, in order that it might then be taken up, he moved to lay it on the table.

The question upon this latter motion being then taken, it was agreed to, and the bill was laid on the table.

THURSDAY, January 11.

The Senate was this day occupied on private business.

FRIDAY, January 12.

*Salary of the Postmaster General.*

The bill to increase the salary of the Postmaster General was read a second time, and

\* A striking instance of the difference between making roads in States and Territories—those readily voting for them in Territories who were restrained by constitutional objections from doing so in States.

taken up for consideration. [The bill proposes to make the salary \$6,000.]

Mr. JOHNSON, of Kentucky, observed, that, as his opinions on this bill were chiefly comprised in the report which had just been read, he could say little in addition upon the subject. He remarked, that the duties and responsibilities of the gentleman at the head of the Post Office Department were equally important with those of the Head of any other Department in the Government; and that the individual labor devolving upon that functionary was far greater than that of any other. He had discharged his duty with zeal and application, and in a manner so advantageous to the public that it was highly desirable to place him on the same footing with the other Heads of Departments.

Mr. REED advocated the bill, and spoke in high terms of the manner in which the Postmaster General performed the duties of his office.

Mr. BRANCH said he was far from being in favor of raising salaries in general cases; he was rather in favor of cutting down. But in the case of the Postmaster General, his opinion was, that it required to be increased to an equality with the compensation received by the other Heads of Departments. The duties of this Department seemed to him to incur more responsibility than any other; the people were more immediately dependent upon it; and the liberty of the country was intimately concerned in the good regulation of this important Department. It was impossible that a man holding an office so important should be able to subsist, in the present mode of living, on the salary now given to the Postmaster General. It was not to put money in the pocket of an individual, that he should vote for this bill, but to compensate services of great value to the country.

Mr. HOLMES knew one, and but one inconvenience, in having a very good public officer. It was this—that when you raise his salary for a zealous performance of his duties, his successor, not so good or so able, came in for his share of the advantage. Mr. H. said, however, that he should vote for an increase of the salary of the Postmaster General, because he liked him: because he respected him as a faithful and zealous functionary. He was the Head of a Department, the duties of which required as much ability and integrity as any of the other Departments: and far more industry. During the recess of Congress, the Secretaries might go on excursions into the country; but the Postmaster General could not do it, as his duties required his incessant attention; and they would probably always require the same degree of industry. They saw plainly enough the talent and exertion which the office required, and why not pay the incumbent accordingly? This single officer, in the arrangement of salaries, has been left behind his class. The other Heads of Departments, he believed,

were satisfied with the pay they received; at any rate, Congress was satisfied with it; and now the object was to bring up the compensation of the Postmaster General to an equality with other officers of the same rank.

Mr. WOODBURY said, that the bill came into the Senate from the House, during the last week of the last session; and the only reason why it did not then pass, was, that the increase of the salary of the Postmaster General was coupled with the increase of other salaries, which met with opposition in the committee, and delayed the subject until the session terminated. The opinions of the whole committee were in favor of increasing the salary of the Postmaster General.

The question being then taken, the bill was ordered to be engrossed for a third reading, by a large majority.

The Senate adjourned to Monday.

MONDAY, January 15.

*Salary of the Postmaster General.*

The engrossed bill to increase the salary of the Postmaster General was read a third time; and, on the question being put, "Shall this bill pass?"

Mr. COBB called for the yeas and nays.

Mr. RANDOLPH then rose, and said, that, as he could not vote for this bill, he thought it incumbent upon him to assign some reasons for his dissent—although he was perfectly aware that it was rather the duty of the proposers of the bill to assign reasons for its passage. Sir, said Mr. R., this bill is in itself an innovation—it is a taking up singly, on the motion of a Senator, the salary of one officer of the Government, and passing upon it, without taking a review of the salaries and duties of the whole. In the mode of bringing it forward, it is exceptionable—but it is still more exceptionable in principle. Mr. President, this is a question which ought to be decided without the slightest allusion to the incumbent of the office. I shall, therefore, abstain entirely from adverting to him—I look to the office—to the duty—to the emolument; and not the man. The office of the Postmaster General has been likened to others, to which, in my opinion, it bears no likeness—it has been likened to the office of the Secretary of State; but the comparison is in every respect exceptionable: for you will recollect that, to that office, the peace and happiness of the country are confided. I will not examine the other offices to which it has been likened; but, in its nature, the office of Postmaster General is purely ministerial—is lower in the scale than those of the other Heads of Departments. Sir, I shall say nothing of the salaries of the other offices. Whether or not they are too high, is not now the subject of consideration—but I am clearly of opinion, that we are about to take a step—inadvertent, I was going to say—but I will say, inexpedient. We are about to make an addition of two thou-

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*Relief of the Sufferers at Alexandria.*

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sand dollars to the salary of the Postmaster General. Sir, the present salary of that officer, in any of the States, would be considered a large and adequate compensation for any office within those States. Have the Senate considered well this measure? Have they considered that, by this bill, they will place the compensation of the Postmaster General one thousand dollars above that of the Vice President of the United States, and one thousand dollars above that of the Chief Justice of the United States? Mr. President, you know, and we all know, that there never was a time more inauspicious than the present to an increase of public expenditure. Those who have seen fit to remark upon my public life, will, I believe, allow that I was never a penurious or a parsimonious politician. I always wished to compensate public servants—I always considered the laborer worthy of his hire; but, in this case, I consider the hire fully worthy of the laborer. Sir, was there ever a time when money was more scarce? when we were more admonished to the practice of economy? or when the aspect of our affairs was more unpromising? Sir, in the part of the country from which you and I come, there is a dearth which treads upon the heels of famine—nor is distress and depression partial or limited. These reasons, and many others that I could enumerate, induce me to oppose the passage of the bill; and I move that it be re-committed.

Mr. BRANCH believed the gentleman from Virginia was sincere in the expression of his opinion. He had always respected the opinions of that gentleman, but in this case he must differ from him. In making a comparison of the salary of the Postmaster General with that of the Vice President, a comparison of the duties of the two offices ought, in justice, to have been made. The office of the Vice President was almost a nominal one. It was true, that the present Vice President had certainly fulfilled his duty in the office; but, in comparison with those of the Postmaster General, his duties were merely nominal. He thought the services of the Postmaster General of the utmost importance to the country, contrary to the gentleman from Virginia, who did not think that the compensation of that functionary should be as great as that of the other Heads of Departments. But, was he borne out by facts? Had it not been shown that the duties of the Postmaster General were so arduous and engrossing, that he had not, during his whole time of service, been able to absent himself from his office? The other Heads of Departments had it in their power to traverse the country; to visit our Legislatures; to do much besides their duty, and even, at times, to make our Senators tremble. Not so with the Postmaster General. Would to God all the other officers of the Government were as exclusively devoted to their duties, and as entirely confined to their own sphere of action. In this case, he had set out in a conviction that

the bill ought to pass; and, much as he respected the gentleman from Virginia, he must still persevere in his opinion. He [Mr. B.] represented a portion of the country which was humble in its pretensions as to compensation for services; and he was no advocate for exorbitant salaries. But he did not think this country exhibited many such. If we looked at most of our public officers, we should perceive that, instead of getting rich upon their offices, many of them were bankrupts. The gentleman from Virginia would never prescribe to one officer a style of living different from that of others of the same rank. That gentleman knew the inveteracy of habit, and what was due to society. The Postmaster General must and ought to live like a gentleman. He spoke of the office, and not of the individual—who was allowed, on all hands, to be a valuable officer—and, in comparing the duties and labors of that office with those of others of a similar grade, he came to the conclusion that the incumbent, from the nature and extent of his services, had a just claim to a salary equal to those of other Heads of Departments.

The question was then taken, and the bill passed, by the following vote; and was sent to the other House for concurrence.

YEAS.—Messrs. Barton, Bell, Benton, Berrien, Bouigny, Branch, Chambers, Chase, Clayton, Eaton, Edwards, Findlay, Harrison, Hayne, Holmes, Johnson of Ky., Johnson of Lou., Kane, King, Marks, McKinley, Mills, Noble, Reed, Robbins, Rowan, Rodney, Ruggles, Sanford, Smith of Md., Smith of S. C., Thomas, Van Buren, and Woodbury—35

NAYS.—Messrs. Bateman, Chandler, Cobb, Dickerson, Knight, Macon, Randolph, Seymour, Tazewell, and Williams—10.

FRIDAY, JANUARY 19.

*Relief of the Sufferers at Alexandria.*

Mr. HARRISON rose and said, that he was about to ask of the Senate the greatest indulgence ever asked for on any occasion, since he had the honor of a seat on this floor. The motion, however, which he was about to make, was one so consonant to the generous feelings of the members, that he trusted no objection would be offered to it; and that the exigency would be a sufficient argument in favor of the dispensation of the rule which he intended to ask. He begged leave to introduce a bill, without the usual formalities of a previous notice, for the relief of the sufferers by the fire, which yesterday spread devastation through the neighboring city of Alexandria. It was not the intention of Mr. H. to make a speech at the present time, and he hoped no such display of arguments would be necessary to awaken in the minds of gentlemen a proper feeling upon the subject: for, while they were deliberating, the women and children whom the conflagration of yesterday had deprived of their homes, were suffering, excepting so far as they had been relieved by private benevolence. No



constitutional objection could be raised to this manner of dispensing the funds of the country, and they were left to follow the dictates of humanity. It was proper to consider what Alexandria formerly was, and what she now is. Once she was a component part of the great State of Virginia, claiming protection from the sovereignty of that State—that protection had been resigned; and she was now a part of this District, and had no Legislature to look to for assistance, but to the Congress of the United States. Had she remained in her former condition, the Legislature of that great State, now in session, would doubtless have made an appropriation adequate to the misfortunes of the sufferers. But now they had no other hope of protection and succor than from Congress; they had no other appeal but to the United States. Mr. H. then asked and obtained leave to introduce a bill to appropriate the sum of ten thousand dollars for the relief of the indigent sufferers by the late fire in Alexandria, to be placed in the hands of the Mayor of that city, to be disposed of by him; which was read twice, by unanimous consent.

Mr. BARTON opposed the bill. He thought it a subject upon which it would be improper and inexpedient to legislate. If the losers had insured their property, which, in most cases, it was probable, had been done, the sufferings would not likely be so great as had been imagined. To make their sufferings the subject of an act of Congress, struck him as needless, as they would experience the same extension of sympathy and assistance which had been given to other places, when overtaken by similar disasters, by individual contribution. He must also oppose an appropriation by Congress, made on a sudden occasion, which always created feverish excitement, and led men to advocate measures, which, in moments of cooler reflection, they might have felt it their duty to oppose.

Mr. SMITH, of Maryland, said, that the people of Alexandria were peculiarly situated; they were under the care of the United States, and it was more incumbent upon Congress to extend protection to the inhabitants of the District, than to those of any other individual portion of territory in the United States. The gentleman from Missouri had said, that the property was chiefly insured; but he had not taken into consideration, that only two-thirds of the value of buildings was ever insured, as the insurance officers guarded themselves in this manner, from the effects of too great a security on the part of those who insured; who might, if entirely shielded from loss, become negligent. And, even supposing the buildings to have been insured, there was a great part of the property lost, on which it would, doubtless, be very difficult to effect insurance, because its value could not easily be estimated. In this inclement season of the year, when so large a number of persons were thrown, by such disaster, upon the benevolence of those who were also,

in some degrees, sufferers; when persons who yesterday were living in plenty and comfort, were to-day deprived of the means of shelter and subsistence; it was no time to canvass coldly the extent of the suffering, or the probability of their receiving succor elsewhere. Many instances of misery might be brought before the Senate, but he would mention only one; it was that of a widow; who had, previous to this calamity, lived in plenty upon her means, and who, by the event of yesterday, had been made destitute. And, should it be said that Congress shut their hands to distress like this? Should they turn from a conflagration which took place within their sight, and with heartless indifference bid the sufferers look to the charity of their fellow-citizens for relief? He had hoped that this proposition would have passed the Senate *sub silentio*; and he was somewhat surprised that it had encountered opposition. It seemed to be looked upon by the gentleman from Missouri as a new case. But it was no new case. Congress had formerly extended similar relief to other sufferers; they had appropriated fifty thousand dollars to the sufferers of Lagunayra; and had, even during this session, allowed persons having lost their lands, by the earthquake in Missouri, to locate on other lands. Why, then, should they refuse to grant relief on an occasion which so justly called for their assistance?

Mr. CHANDLER said, that by this bill, they were called upon to give relief, which, if it depended on his own will, he should not feel disposed to withhold. He did not feel less for those who had suffered than the gentleman from Maryland; but if he [Mr. C.] were to vote for this bill, what should he be able to say to a portion of his constituents, who had been, within two years, visited with a calamity immeasurably greater than that upon which they were now commenting? It was known, that, in the State of Maine, a conflagration took place last year, which covered fifty miles square, destroying houses and barns, and even the produce of the field. But the people in that country had received no relief from Congress; he did not think they had any right to expect it, nor did he think Congress was bound to bestow it in this instance. He was willing to put his hand into his pocket and give as freely as any one towards this object; but he could not support the bill under consideration. He declared to God he could not put his hand into the pockets of his constituents, who had suffered equally by the same devouring element, and give their money to relieve those who had been injured in this case. He certainly would have assented to it had not his sense of duty directed him otherwise. If, however, this was now done, a precedent would have been established; and on other occasions it would be necessary to make appropriations for the relief of other cities. The argument that Alexandria was in the District of Columbia, did not appear to him to be a satisfactory one, and certainly had no power

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*Lottery for the Sale of Mr. Jefferson's Monticello Estate.*

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to convince his mind that the measure would be a correct one.

Mr. BENTON was not opposed to the dispensation of one of the rules of the Senate: but he was of opinion that they ought not all to be dispensed with. He, therefore, thought the bill ought now to take its usual course; and wished that it might have a reference to the appropriate committee. Their decision was very important in this case; and, meanwhile, the distresses of the sufferers might be alleviated in the manner pointed out by the gentleman from Maine, as he presumed all would give according to their means. He moved that the bill be referred to the Committee on the District of Columbia.

The question being taken, the bill was referred to the Committee on the District of Columbia.

Adjourned to Monday.

TUESDAY, January 23.

*Alexandria Sufferers.*

The bill for the relief of the indigent sufferers by the late fire at Alexandria, was then taken up, and read a third time.

Mr. NOBLE called for the yeas and nays on the question of the passage, which were ordered, and were as follows:

YEAS—Messrs. Bateman, Benton, Bouigny, Branch, Chambers, Chase, Clayton, Dickerson of Eaton, Edwards, Harrison, Hayne, Hendricks, Holmes, Johnson Ky., Johnston of Lou., Kane, King, Knight, Marks, Mills, Ridgely, Robbins, Sanford, Seymour, Smith of Md., Thomas—27.

NAYS—Messrs. Barton, Bell, Chandler, Cobb, Findlay, Macon, Noble, Randolph, Reed, Rowan, Ruggles, Smith of S. C., Tazewell, Van Buren, White, Willey, Williams—17.

So the bill passed, and was returned to the House of Representatives.

MONDAY, January 29.

*Lottery for the Sale of Mr. Jefferson's Monticello Estate.*

Mr. HAYNE rose, and said, he had been requested to present a petition, which, from its character, as well as the quarter from which it came, would, he was sure, receive the most respectful consideration from the Senate. It was a petition from the family of Thomas Jefferson. It did not ask for any pecuniary relief, nor did it attempt to enlist the generous sympathies of the American people, in behalf of the daughter of the man whose name alone would be a sure passport to the confidence and protection of every American. It merely requested the sanction of Congress to an arrangement by which the corporation of this city have agreed to lend their aid to effect an object, which, it was believed, would accomplish the wish nearest the heart of Mr. Jefferson, of placing his only surviving child in a state of independence. It is known to the American people, said Mr. H., that, during the last years of his life, Mr.

Jefferson's affairs were considerably embarrassed. This, it is well understood, was not occasioned by any thing that could be justly attributed to him as a fault. Some unforeseen misfortunes—the great depreciation of real estates—but, above all, the peculiar situation in which he was placed, brought upon him, in his old age, those calamities, of which we have all heard, and which we have all deplored. He retired from the Presidential chair, the idol of the party of which he had so long been the efficient head, and found himself, during the latter years of his life, in possession of the respect and confidence of all classes of the community. He was, indeed, regarded as the patriarch of liberty, and his house became a shrine to which its votaries made their annual pilgrimages. Hence it was, that, in the exercise of what has been so happily called, “a liberal, though frugal hospitality,” he became involved in pecuniary difficulties. When placed in that situation, it is known to all who now hear me, that he disdained to ask or to receive from his country any assistance beyond the grant of a lottery, the whole object of which was to dispose of his estate at its appraised value. To those who may be disposed to accuse us of ingratitude towards Mr. Jefferson, it is proper to say, that he obtained all that he desired; and, as he most positively and publicly declared, all that he would have consented to receive. That he did not attempt to avail himself of a popularity without a parallel, to put himself at once above his difficulties, proves that he died, as he lived, true to his principles. It is known to the public that the lottery granted by the State of Virginia, had not been brought to a conclusion at the time of Mr. Jefferson's decease: but it is not so generally known, that he died in the belief that it would soon be brought to a successful termination; nor that, in his will, (which is now before me, written with his own hand, but a few days before his death,) he has made a distribution of his estate, manifestly founded on this belief. It is needless for me to state the causes which have hitherto delayed the completion of the lottery; and it is only necessary for me now to say, that an arrangement has been made with the corporation of the City of Washington, by which the Jefferson lottery is to be so connected with the lotteries established here, as to accomplish all the objects which Mr. Jefferson had in view. This has been effected through Messrs. Yates and McIntyre, who, with a liberality entitled to all praise, have made the most satisfactory arrangements on this subject. The only difficulty in the way arises from the charter of the City of Washington, which restricts them from any lottery, except such as distribute *money prizes*. The object of this petition, therefore, is to obtain an act of Congress, giving authority to the corporation of Washington to connect the Jefferson lottery with those they are now authorized by law to establish—an object which, I trust, will be accomplished without objection or difficulty,

Mr. H. then presented the petition of Thomas Jefferson Randolph, executor of Thomas Jefferson, praying for an act of Congress, for the purposes above mentioned.

The petition was read; and, on motion of Mr. HAYNE, referred to the Committee on the District of Columbia.

THURSDAY, February 1.

*Distribution of Revenue.*

On motion of Mr. DICKERSON, the "bill for the distribution of a portion of the Revenue of the United States among the several States," was taken up.

The bill is in the following words:

"A Bill to provide for the distribution of a part of the Revenues of the United States among the several States of the Union.

"*Be it enacted, &c.,* That the Secretary of the Treasury be authorized and required, under such regulations as he may think proper to prescribe, to divide amongst the several States of the Union, in the ratio of direct taxation, the sum of five millions of dollars, on the first day of January, one thousand eight hundred and twenty-eight; five millions of dollars, on the first day of January, one thousand eight hundred and twenty-nine; five millions of dollars, on the first day of January, one thousand eight hundred and thirty; and five millions of dollars, on the first day of January, one thousand eight hundred and thirty-one; which sums shall be taken from the annual sum of ten millions of dollars appropriated to the Sinking Fund, by the second section of the act approved on the third day of March, one thousand eight hundred and seventeen, entitled 'An act to provide for the redemption of the public debt.'"

Mr. DICKERSON observed: By this bill it is proposed to divide among the several States, in the ratio of direct taxation, five millions of dollars, annually, for four years, commencing on the 1st of January, 1828. This is intended as an experiment, which, if successful, will no doubt be followed by an adoption of its principle, in a more permanent form.

One object of this bill is, to provide funds in all the States, for the purposes of education and internal improvement, by a rule which shall operate justly, equally, and harmoniously, throughout every part of the Union.

Another object is, to transfer to the Legislatures of the States the application of a part of the surplus funds of the General Government, and thus relieve Congress from a weight of legislation, which, from its mass alone, is becoming truly formidable, but much more so from its producing a concentration of power in the General Government, never intended to be vested there by those who formed our constitution.

It is not intended, by this bill, to exercise any control over those funds, after the same shall have been distributed to the States. It is not necessary to inquire whether Congress have this power of control or not, when it is very evident that it would be inexpedient to exercise it, even if they have it.

No uniform rule could be adopted, as to the objects to which these funds should be applied, in the different States. In the Eastern States, where they have long been improving their roads, and where they have brought them to a high state of perfection, by the application of their own means, their dividends, in a great measure, would be applied to the establishment of schools and seminaries of learning. In the Western States, where ample funds have been provided for the purposes of education, their dividends would be applied, chiefly, to the making of roads and canals. In the middle and Southern States, their dividends would be applied, in more equal portions, to those important objects. In all these applications, however, the States can judge much better for themselves, than Congress can judge for them.

It is proposed to take these dividends from the ten millions of dollars annually appropriated to the Sinking Fund for the reduction of the public debt, by the act of the 8d of March, 1817. This, no doubt, will startle those, if there be any such, who believe this fund to be a sacred deposit, which, by some unexplained operation, is working out a redemption of the public debt. It will, however, excite no alarm with those who know that it has, in no respect whatever, the character of that kind of sinking fund, which, upon the recommendation of Dr. Price, was adopted in Great Britain, for the redemption of the debt of that country; but that it is simply a resolution, reduced to the form of law, to apply ten millions of dollars, annually, to the redemption of the debt of the United States, adopted when that debt was nearly twice its present amount, and when it was more necessary to appropriate ten millions for that purpose, than it is to appropriate five millions now.

But if there should be objections to taking these dividends from this fund, they may be taken from other parts of our revenue; although, in that case, it would be found necessary to reduce their amount.

This ten millions of dollars is not the whole of the Sinking Fund; any surplus in the Treasury, at the end of any year, above all appropriations for the year, and leaving in the Treasury two millions of dollars, is also appropriated to this fund. These surpluses might be calculated safely at three or four millions a year, if our appropriations do not greatly exceed the bounds of moderation; and the two millions heretofore reserved in the Treasury, beyond all appropriations, might also be applied to the Sinking Fund.

*Road in the Territory of Arkansas, &c.*

The bill to construct a road from a point opposite Memphis, in Tennessee, to Little Rock, in Arkansas, was read a second time.

Mr. HENDRICKS offered two sections, as amendments, authorizing the construction of a road from Fort Smith, in Arkansas, to Fort Towson, on the Red River, which, Mr. H. ob-

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*Duty on Salt.*

[SENATE.]

served, constituted a portion of the bill rejected a few days since, deprived of the objection then urged, that the road was to run through the State of Louisiana.

A desultory debate took place on the adoption of these amendments, in which Messrs. HENDRICKS, JOHNSON of Kentucky, SMITH of Maryland, HARRISON, CHANDLER, JOHNSTON of Louisiana, and BERRIEN, participated; when, after a slight alteration, the amendments were adopted, and the bill, as amended, was ordered to be engrossed for a third reading.\*

#### *Duty on Salt.*

The bill to repeal, in part, the duty on imported salt, was read a second time.

Mr. SMITH, of Maryland, said, that the idea of this bill first sprang from the Committee on Agriculture; and the subject had been referred to the Committee on Finance, who had reported the bill last year, and again the same bill this year. The duty on imported salt did not amount to a very great sum. Since the war, it had produced an average of 650,000 dollars annually; but it was not intended to reduce the duty but one-half. An advantage would arise out of it of an increased consumption; as many farmers, who, from the present high prices, could not afford to salt their cattle, would do it, and the increase of consumption, in this way, would be much greater than was in general supposed. The deficit in the revenue, which this reduction would occasion, would amount to only about 150,000 dollars this year, and the same sum the ensuing year. His idea was, that, if the duty was reduced, more of the article would be consumed, and thus the increase of demand would redress the deduction from the duties. Other gentlemen, however, were better acquainted with the subject than himself, and he looked to them for further information.

Mr. HOLMES observed, that it would be recollected that, when this proposition was first made last year, he had opposed it, upon the ground that it would destroy the bounty now given to the fisheries, which was connected with the duty on salt. The fishermen of the United States were justly considered a valuable class, which the Government was bound to encourage as far as possible; as producing the seamen on whom the commerce of the country was to depend. The bounty on the fisheries was established at the same time that the duty was first levied on salt, and was considered as a kind of drawback upon that duty; and the reason of it was that many gentlemen had scruples as to the power of Congress to give a bounty on any successful enterprise. These doubts would have entirely prevented the en-

couragement of the fisheries, as a nursery for seamen, had it not been for this combination of the two provisions. Great injury to our commercial interests would have arisen out of a failure to allow this bounty; and he was opposed to the bill in the first place, because it would bring with it, as a natural consequence, the repeal of this bounty\*—not that any such proposition was made in the bill—but from the fact that both of the provisions were connected; therefore, what affected the one, must touch the other. Now, sir, said Mr. H., I think it is of great importance to retain this bounty. It is given on the tonnage of the vessel, not according to the success of the fisheries; and if fishermen remain six months in this employment, they share the bounty, let their voyage prove successful or not. In a bad year, this encourages and supports them, and they are willing to go on, and risk again the vicissitudes of their venturesome pursuits. Were it not for this encouragement, a run of bad luck would dishearten them, and the result would be, that our own native fishermen would desert the business, and this neglect would throw the fisheries into the hands of the fishermen of other nations, who would supply our consumption of the article, while our great nursery of seamen would be entirely broken up. If, as productive of sailors, the English Government considered the fisheries of the greatest value, (and the same opinion had been expressed by our own Government, and was acknowledged by all,) then, any act which should endanger the prosperity of this branch of our industry, ought to be most studiously avoided; and no measure which would tend to break up this nursery of one of the most useful classes of men, ought, if possible, to be adopted. It was doubted now, as well as formerly, whether Congress had a right to fix this bounty, except as a kind of drawback upon the duties on salt; and if they repealed the duty, the bounty would follow. As to the services rendered by the fishermen, they were of great value. The products of their industry were the products of the sea, and little other capital than the labor and enterprise of these hardy mariners, was required to carry it on: in fact, labor only was wanted, and that must be had, or the trade would fall to decay. We were, then, admonished to encourage those laborers, by every motive of public interest. The revenue produced by the importation of salt now amounted to an average annual product of 600,000 dollars. Could the Government spare so large a sum at this period? Were

\* This is the true reason for the northeastern opposition to the repeal of the salt tax—an opposition which still keeps up a fragment of the duty, enough to carry the imported salt to the custom house, and to throw the trade, in the importing cities, into the hands of regrators, and to enable them to double the price to the consumer. In the mean time the fishing bounties and allowances have become nearly a naked gratuity out of the Treasury, the duty on salt being so far reduced as no longer to serve for a foundation for those bounties and allowances which, nevertheless, are kept in full.

\* Another strong instance of the difference maintained between roads in States and Territories—the bill being now passed without a division in the Senate (being to the Territory of Arkansas) which was before rejected because it touched the State of Louisiana.

our affairs in such a flourishing condition, that we could, without any inconvenience, strike off this amount from our receipts? His opinion was, that they could ill spare the tax on salt, and that consideration, were there no others, would decide him against it.

While they had been here this session, a memorial had been presented from Portsmouth, praying a repeal of the bounty on the fisheries, in order to remove the frauds which were said to have been committed on the duty on salt. It was said that the fishermen went to sea and bought the salt to cure their fish in the British Provinces, and thus evaded the duty, while they claimed the bounty. These instances of fraud had been prosecuted, and existed no longer. There was a way to restrict men in such cases, without depriving all those engaged in the trade, of the bounty. Our fishermen formerly had a coasting license, to dry their fish on the British coasts, not to sell fish to the British; and it was objected that the fisherman would go and spend his four months in other pursuits, and then return and claim the bounty. These, however, were but casual occurrences, and offered nothing more against the bounty than occasional individual frauds offered against any system. But this was not all. There were manufactories of salt in the United States, which required to be protected—the more, because salt was an article of absolute necessity, without which we could scarcely exist, and which, in time of war, could not be obtained, except at a high price. What is the extent of the manufacture of this article in this country? It is carried on in New York, in Massachusetts, in Virginia, North Carolina, and, he was informed, in Florida. What the quantity manufactured in North Carolina was, he did not know; but he would read a statement in writing, from a gentleman intimately acquainted with the subject, as to the salt works of Cape Cod.

[Mr. H. then read a paper, which stated that, along the seacoast of Massachusetts, there were numerous manufactories of salt, which employed upwards of one thousand persons, each having a small manufactory, managed by himself and family. The value of these establishments is estimated at 200,000 dollars, their annual product at about 600,000 bushels, weighing 78 lbs. each, of the best quality of salt. It was also stated that the price of salt was now about 35 cents, and that it had been reduced nearly 80 per cent. in the last three years, owing to a competition between the importer and manufacturer. The manufacturer could not afford it as low as it was now sold; and a reduction of the duty would operate greatly to his injury. When the duty was repealed in 1807, they must have all been ruined, had not Massachusetts exonerated their works from all taxation.]

Now, sir, this is a small section of the country; but in this small strip of coast, one thousand people, and a capital of two millions, are

employed, and they annually produce six hundred thousand bushels of the article. Yet, this is considered of no importance, and we are told that the whole must go by the board, by reducing the duty which has hitherto protected them. He would call the attention of the chairman of the committee who reported this bill, to one question. Is it a fact, that, by repealing the duty on this article, the consumer will use more, because of a reduced price, and thus the country reap the profit? This was not the case formerly, when the duty was repealed. For a short time it was lower; but it soon rose up again. How was this to be accounted for? Why, because salt was not a principal article of trade, but entirely one of a subsidiary character. No trader will import salt regularly; he will not send out his ships to bring back a cargo of salt; but, on the contrary, it is imported to make out an incomplete cargo, or as ballast. Thus the importer, holding the article by chance, and there being no permanent trade in it to regulate the price, is enabled to fix it, and the profit will accrue to him, and not to the consumer. It is self-evident, that, if you repeal the salt tax, you will put down all manufactories of the article. You will want just so much salt, whether at home or from abroad; and if the manufacture is broken down, all competition with the importer is destroyed, and he is at liberty to set his own price. One way or another, the bill will produce bad effects. Either you do reduce the price according to the duty taken off, or you do not; and if you do reduce the price, the manufacture is destroyed; if it does not, we have lost 800,000 dollars of revenue, without benefiting any one. If the manufactories are broken up, where are we to look for a supply of this most indispensable article when war overtakes us? The manufacture of any article which is required in great quantities, wants time and encouragement to make it perfect and abundant. It cannot be expected that it will grow up in a day, to meet the sudden exigency of the country; and hereafter, should Congress pass this bill, the country may need the assistance of the manufactories which it will have destroyed. It was in vain to suppose that they could flourish until there was something should occur to check importation. These loose ideas he had thrown out, on the moment, convinced that the bill ought not, on many considerations, to pass.

The Senate adjourned without taking the question.

FRIDAY, February 2.

*Duty on Salt.*

The unfinished business of yesterday being then taken up, the Senate proceeded to consider the bill making a reduction of the duty on imported salt.

Mr. SANFORD said, that the bill was taken up at so late an hour yesterday, that he had not the advantage of hearing the views expressed

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by the gentlemen who addressed the Senate upon the subject. At the last session, this bill, or a similar one, was before the Senate, and, if his memory served him, the first argument used to support it was, that we could very well dispense with the tax upon salt. It was admitted that, at that time, we could dispense with that amount of our revenue. We could have dispensed with a much greater sum at that period. Our funds were then ample, and by some it was supposed almost inexhaustible. But the aspect of affairs had undergone a great change. And now our circumstances were such that we could dispense with nothing in justice to those claims which would come upon the Treasury during the present year. There were now from three to four millions in the Treasury, according to any account, and, upon this point, statements differed. At any rate, it was clear, that, with all the funds in our possession, and all that were to be received, Government would have a scanty amount to meet the expenses which would occur beyond the estimates. The revenue promised this year was much smaller than usual, in proportion to the demands of the country; and he fully believed we should reach the end of our money with the end of the year. In this condition of things, it was certainly not a time to reduce the income. This was not the only reduction proposed during the year. A bill had been reported to diminish the duty on wine. The object was said to be to encourage a greater consumption of that article, and thus increase the revenue. In regard to wine, this effect might be produced; but it certainly would not be in reducing the duty on salt. As to teas, we were absolutely forced to make a great reduction of the revenue, or witness an entire stagnation of the trade in that article. Every member of the Senate understood the cause of this. Formerly, we had no rival in the importation of teas, and this country, to a considerable extent, supplied the consumption in the British provinces. But, within the last two years, immense quantities had been imported by the East India Company into Canada, free of duty, which enabled the British merchant to supply our population at a very low rate. This article, then, of the revenue, we must inevitably reduce, or abandon the competition with the British merchants. As to other branches of our revenue, he did not think any improvement could be anticipated at present. Some persons supposed that an increase of importation, during the current year, would be a natural consequence of its deficiency last year; but he was not of that opinion. He was sensible that this revulsion might be expected with reason; but he believed it was looked for too soon. He anticipated no increase of imports, either this year or next. The reflux would not be so rapid as was imagined; nor would the change happen in less than two years. Nor was he of opinion that prudence dictated the repeal of the duty on salt.

Mr. WOODBURY.—The object and tendency of

this bill had, by some abroad, been misunderstood; and by others, misrepresented. Standing, as may be thought, in some degree in a paternal relation to the measure, it might be expected that he should attempt to correct these errors, and vindicate it from the numerous objections with which it had been assailed. The bill, as you well know, Mr. President, was not intended to injure the fisheries; nothing of that kind being either implied or expressed in its provisions. But, its legitimate operation will be to aid the fishermen, in common with all other consumers of imported salt. Neither is it gotten up in hostility to manufacturers; nor will it prove injurious to any due encouragement of them. Just as little, also, is it calculated to endanger the financial operations of the Government, as permanently established for peace, or as they happen to exist at the present moment. The principle of the bill is altogether different, and lies within a single inquiry. It is this: Ought not a war-tax—a tax, imposed merely to meet the great exigencies of such a crisis—a tax, temporary at its commencement, exorbitant in amount, and partial in its operation—ought not such a tax to be now lessened? That is the question. Now, after twelve years of plenty and peace, and after the fullest examination by committees has shown that the passage of the bill will aid, rather than injure the fisheries—will not sensibly affect the present operations of the Treasury, or any permanent branches of the revenue, nor leave our manufacturers of domestic salt without a protection, as great as is extended to any article of a similar character, in the whole tariff—these various circumstances bearing on the bill, shall be adverted to as briefly as possible. But, the paramount—the primary object—is to ascertain if the present duty be indeed a war-tax. When I call the present duty on salt a war-tax, it is not by way of rhetorical figure, or for effect upon any honest prejudice; but, it is to invite the attention of the Senate to the true origin of the duty, as tending strongly to illustrate the opinion, that, not having been designed for the state of things in peace, it is too large and unequal for any legitimate purposes, in the present condition of the country.

Gentlemen well remember, that, at the beginning of our late war, salt was entirely free from even the smallest duty. It was not till July, 1813, in a state of obstinate hostilities, under a diminished revenue, with extraordinary expenditures, and accompanied by great financial embarrassments, that the present tax was imposed. It is well known, that, in such a condition of public affairs, all ordinary rules of taxation must bend. They must yield far enough to meet the controlling necessities of the country. The necessities of life must then submit to be burthened as well as its luxuries; and the poor, in common with the rich, must then defend their hearths and altars by large contributions and large sacrifices. It is on such

occasions only, that salt, though an article of the first importance to all classes, may properly be subjected to a great tax. Because it is thus subjected in common with the soil we till for our daily bread, and with the houses that give us daily shelter from the weather. It is true, I grant, that the great bulk and weight of salt, compared with its value, and that its universal use, often induce Governments, in these exigencies of war, to select it for the most severe taxation, in preference to other necessities; because, for these reasons, it is more difficult to be smuggled, and more certain to yield a revenue. But these circumstances, it is manifest, furnish no reason for the tax itself; and in an especial manner, when the tax operates exclusively on a single section of a country. The true reason for the tax itself, is the controlling emergency of the occasion—the stern necessities of war; and I trust that no fair-minded politician can ever repeat again and again the incidental circumstances before named, as the true reason for either imposing or retaining a tax so exorbitant, unequal, and oppressive. Another decisive proof that it was deemed, when imposed, a mere war-tax, is the express limitation of its continuance in the act of Congress to only one year after the war. Had it been intended as a part of the permanent system of our revenue, or merely as a protection to manufacturers, why this limitation?

Again: The history of our country, which on this point cannot deceive us, shows, that, when the duty had once before been increased, in 1797, as high as twenty cents, it was imposed as a quasi war-tax on account of our difficulties with France. Then, too, was a limitation of it to three years—and never afterwards, till totally repealed, was it continued without an express protestation, in the act itself, that it was not to become, for any purpose, either of revenue or protection, a permanent part of our tariff system.

Our statesmen, at both periods, had numerous examples before them, and we now have still more, that a large tax on this article was injudicious, and inappropriate to any but a state of war; and that then, as before remarked, it had chiefly for its apology the great tyrant necessity—the great principle of self-preservation, and the right of Government to all constitutional means most likely to preserve the endangered safety of the Republic.

When the feelings of mankind, on any one subject, in different nations and ages, thus coincide, it is a pretty sure indication of their correctness. If a large salt tax in peace, then, has justly been the abhorrence of mankind in all time, something has always been thought, and should now be thought due from Government to such a universal sentiment. I shall not detain the Senate by references upon this point, when numerous instances are doubtless fresh in their recollection; and when none of us can have forgotten the eloquence upon this subject, which was displayed in the Senate at

our last session, from the gentlemen, both on my right and my left. Permit me, a moment, to appeal merely to what has occurred within our own brief lives. Have we not seen the salt tax, or *gaballe*, in France, first imposed as a war-tax, become one of those wide-spread and odious oppressions, most instrumental in rousing the great mass of the population in their late Revolution? A tax far more burthensome and execrated than even the tax upon tea in our own Revolution. Let it not be forgotten that there, as here, it had commenced as a war-tax; and had been remitted and renounced at different periods, till, under new pretexts, it slid into a permanent peace impost, equalling nearly one-fourth of the whole revenue of the Empire. So stealthlike and absorbing is generally the character of power when abused; and if no peaceful correction is in time made by rulers, the people themselves, in some great crisis, are generally inclined to inflict fearful retribution.

The tax on salt began in the same way in England, and fluctuated in amount, and was suspended on various occasions. But the vast expenses of her continental wars, had, prior to the year 1816, compelled her, as a measure of unavoidable necessity, under such pressures, to increase her excise on salt to 15 shillings sterling per bushel, when used for domestic purposes, and from two to six shillings as used in various other specified ways. These, too, having begun in war, and at first being limited in duration—both rulers and ruled felt it had swollen with emergencies to a most oppressive burthen. They understood the principle on which it stood, and that it was fast beginning to be incorporated into her permanent system of revenue; and though they at first resisted a repeal, on arguments similar to those advanced yesterday and to-day; yet the natural hatred to such a tax in peace, the strong sense of justice among her statesmen, and the paternal regard of the Government towards its agricultural subjects, at length overcame every obstacle. All opposition to its repeal was in the end prostrated, and in May, 1822, provision was made for the gradual removal of the whole excise.

Mr. SMITH, of South Carolina, observed, that he had but little to say at first on this bill, and, since the gentleman from New Hampshire had so fully treated it, he had now much less. The manufacture of salt was mostly in the hands of great capitalists: the two millions invested in the Massachusetts manufactories, belonged, in all probability, to the wealthy portion of the people; nor would the reduction of the duty injure the poor and laboring classes of society. To look only to New York, it was admitted that about one million bushels was produced there, which, according to his calculation, at a duty of ten cents per bushel, would pay one hundred and twenty-five thousand dollars into the State Treasury—not to the public fund of the country. He did not know before that so large a sum was realized by any of the States

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from an impost on so essential an article, both to health and life: for, without it, both man and beast dwindled from their native strength and vigor, and the poor man who labored, in proportion to his labors, the more required this indispensable article. The farmers, spread through our country, and who were not only the most numerous, but really the most useful class of our community, required large quantities of salt for themselves and for their stock. In relation to the latter, experience teaches us that the use of salt is not to be supplied by any other ingredient of food. A statement has been read by the gentleman from New Hampshire, which established the fact that the use of salt increased, to a vast amount, the weight and value of stock, and made a much smaller portion of food requisite. If, then, this article was so vitally necessary to the agriculturists of our country, it ought to be as free and unrestrained by duty or imposts, as it was in the power of Congress to make it. They were told that the treasury would be drained; but this, with him, was not a sufficient reason for retaining a heavy duty upon an article of such common and constant necessity. They were told also, that the duties on other articles must be reduced; but it appeared to him that no one required it so much as salt; for no one extended so universally to the food of all classes, or could be taxed with an effect of so general a nature. In refusing to take off the duty upon salt, they would involve themselves in a palpable inconsistency, not to say in an act of injustice. While they were giving millions to other objects, and lavishing the public money as though their resources were endless, was it reasonable to refuse so small a remittance as was contemplated by this bill, to the most laborious and useful class of society? The brigades of engineers who had been spread up and down through the country, during the last year, had absorbed one million from the treasury; and yet there was an unwillingness to take off a few hundred thousand dollars, to relieve the poor and industrious agriculturists. The State of New York, where salt was produced in abundance from the Syracuse and other salt works, laid a heavy impost upon the article, equal to that which would remain upon the imported salt, after the reduction contemplated in this bill should take place. But Mr. S. had been informed that the article could be manufactured on the Kenawha, in Virginia, for five and a half cents per bushel, and, after having been transported hundreds of miles, might be afforded at twenty cents per bushel. This statement was sufficient to show that the manufacturers were able to make a small dividend with the consuming community. On other manufactured articles they had taken off the war duties: for instance, on foreign rum the duties had been greatly diminished. It was true, it might be urged that good rum was a good thing, and some of us, perhaps, are fond of it. It was, however, merely a luxury, and

could well be dispensed with; and, what was far worse, it was considered, justly, as one of the greatest curses which could be invoked for the destruction of human happiness, and, indeed, he might say, human life. They might almost as well attempt to reduce, as had been intimated yesterday, the price of drunkenness to one cent, and of dead drunkenness to two cents—as was the case in England—as thus keep down the prices of ardent spirits; but they could not afford to take off a few cents on the price of salt, necessary to all classes, even to sustain existence; that it was so essential that it was used in greater abundance, by the poor than by the rich, he believed, could not be disputed. The rich man did not need it so much; he had other seasoning for his food. Spices and peppers entered into the composition of the savoury dishes which graced his table; and even Madeira wine found its way into the sauces in which his food was cooked. If, then, one-half of the duties on wines was to be taken off, they would cheapen the seasoning of the rich man's viands, and render it more accessible; while, by retaining the duty on salt, the only article of seasoning within the reach of the poor, would at the same time remain heavily burthened. Did gentlemen call this extending equal justice to all? He would make one remark on the subject of war duties, which he believed had escaped the gentleman from New Hampshire, and it was the only one that had escaped him. When, during the late war, the high duties were imposed on various articles, they were included in one bill, and salt was among them. The bill passed in the Senate, and was sent to the other House; and the only article which was stricken out by that body was salt, a duty on which, it was argued, was too oppressive and odious. Nor could it be reinstated in the bill without great exertions, nor until a pledge was given by the friends of the measure, that the tax on salt should be removed at the end of the war. The war had long passed away; but this oppressive tax still stood its ground. War, he would allow, if he might believe the statements and arguments of every day, was ahead of us: for he had scarcely heard a subject discussed during the session, in which money was touched upon, in which war had not been, in one way or another, alluded to. If a question was argued, in which the object was an expenditure of public money, it was said to be to prepare for war. Or if the design was to save the public money, then the object was, to provide funds against a war. But, he hoped, and believed, that war was far off; and he should, accordingly, vote for removing a war-duty. He hoped the one-half of the present tax would be taken off, even if appropriations for some other objects, in support of which Congress had been so bountiful, were curtailed.

Mr. VAN BUREN said he had no desire to prolong the discussion on the general merits of the measure under consideration. The subject had



been placed on its true grounds, by his colleague, and those who had spoken on the same side with him. Mr. V. B. concurred fully in the views expressed by his colleague, and was unwilling to trespass on the patience of the Senate by a repetition of matters which had already been well and forcibly argued. His sole object, in rising, was to notice a remark that had fallen from the Senator from South Carolina, (Mr. SMITH,) in relation to a subject upon which Mr. V. B. acknowledged that he felt no inconsiderable degree of sensibility. He alluded to the duty, alleged to have been imposed, by New York, on salt, manufactured in that State. He might be mistaken, but he could not perceive what bearing that circumstance could properly have on the question before the Senate. As, however, he could not know that others would think as he did, he felt it his duty to call the attention of the Senate to a brief consideration of the motives and consequences of the act referred to. It was true, he said, that a duty, of the character described, and to the amount, he believed, of twelve and a half cents on the bushel, had been imposed, and was collected by the State of New York. It was one of the means employed by her, to make and complete those navigable communications between the great Western and Northern Lakes and the Atlantic Ocean, which had been accomplished by her unaided efforts—works, he said, which, however considered, must be regarded as national in their advantages, and which, if New York had been treated with the same liberality that has been extended to other States, would, in part, at least, have been made at the national expense. Such, however, had not been the case. She asked, but was refused! She knocked at your doors, but they were not opened to her. But, whilst she was applying her own shoulders to the wheel, others solicited you for help, and had been assisted by the dispensation of millions from the national treasury. Thrown upon her own resources, she was driven to the alternative of abandoning the great object in view, or of applying her utmost means to its accomplishment. Happily she chose the latter course, and the result has shown that she chose wisely. But, although her success has been signal, and the advantages resulting from it to herself and the Union immense, her brilliant anticipations have not been realized without the most onerous responsibilities. She has saddled herself with a State debt, nearly equal to one-seventh part of the whole national debt. To meet the interest, and for the ultimate redemption of the principal of that debt, the duty in question had been imposed. For the safety of the public creditors, it had been incorporated in her State Constitution. Until the specific objects, for which it was adopted, are effected, it must remain. Congress may, in its wisdom, diminish its value, but the State Legislature cannot abandon it, if even they were so inclined. But they are

not. In its imposition, the State has only exercised its undoubted right, for its own, as well as the general good. She has no cause for regret, nor have others for complaint. What legitimate influence, this he begged to know, ought the circumstance to have upon the decision of the question before the Senate. Had the duty referred to worked an injury to those who used the imported salt? Had it raised the price of the article? Certainly not. If any effect was produced, it must be that of reduction, in consequence of the competition it produced. Had it operated injuriously on any other interest? If it had, he wished gentlemen who objected to it to point out what those interests were. He was entirely confident that none could be shown. But its claims to the favor of all just and liberal men stood on stronger grounds than its negative character. It is well known that the price of salt depends principally upon its transportation, which, from the nature of the article, makes it come very high to the consumer, in many parts of the country. He averred, and referred to the Senators from Vermont for the correctness of his statement, that, in that State, the price of salt, to the consumer, had been reduced more than fifty per cent. since the completion of the New York canals, and through their means. The same was the case with all the country bordering on Lake Champlain, or on Lake Erie, and the lakes farther West, including the State of Ohio; and the same effect, though not to as great an extent, was produced in many other parts of the Union. Such is now the case; but what will be the condition of things when the navigable communications which the State of Ohio has, to her high honor, undertaken to effect, by her own means, and which are rapidly progressing to the accomplishment, are completed? Why, the advantages now enjoyed, in this respect, by Vermont, will be common to most, if not all, the Western States. He put it, therefore, to the justice and candor of the Senate, whether the fact that New York had, for such purposes, and under such circumstances, imposed a duty upon salt, manufactured in that State, was just cause of complaint to others, or ought to have an adverse influence upon the question before the Senate. He asked, whether, after the Federal Government had refused her aid to New York, she ought now, by her Legislature, to cripple that State, in the means necessary to her redemption—means indispensable to the speedy payment of a debt, which should be regarded as sacred by the whole Union, on account of the great cause in which it had been incurred. He requested gentlemen to consider whether such a course would evince that just regard for the individual interests of the States composing the Confederacy, which it was the true policy of the Federal Government at all times to manifest. He humbly hoped that there could be but one answer to that question. So far from furnishing an argument in favor of the bill, if

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there is reason to apprehend that the means under consideration would have the tendency he deprecated, that of itself should constitute an objection to its adoption.

Mr. V. B. said, it gave him pleasure to know that there was no man to whom he could, with greater safety, make this appeal in behalf of the just rights of the State he represented, than the worthy Senator from South Carolina. The just and liberal sentiments which had, through life, distinguished the public course of that gentleman, was, with Mr. V. B., a sufficient guarantee that his appeal would, at least, meet with the most favorable consideration. Nor could he deceive himself in believing that the first and hasty impressions which this circumstance had produced, would, upon a moment's reflection, be removed, and the question decided on its own proper merits. He might, he said, enlarge upon the topics which had been already urged against the bill. But if the present greatly depressed state of the treasury, and the other weighty considerations already advanced, were not sufficient to deter gentlemen from further experiments upon the public revenue, nothing that he could say would produce that effect.

Mr. BRANCH observed, that it would be unjust to the people he represented should he not refer to the subject at present under consideration. The matter had already been ably treated, and he did not intend to enter at full into the arguments which suggested themselves to him. He felt grateful to the gentleman from New Hampshire for the highly satisfactory manner in which he had supported this bill. That gentleman had introduced this measure into the Senate last year; and it was the first, and, he might also say, the last attempt which had been made to effect any important object for the benefit of the agricultural class of society. But, sir, said Mr. B., the agriculturists do not generally want assistance; they know that legislation cannot be well applied to them, and that their true interest is to be let alone. They only need protection to prevent the other classes of community from thrusting their hands into their pockets, and depriving them of their hardly gained earnings. He supported this bill because he knew that its provisions merely extended justice to the class of society whom he had the honor to represent; but, even were it for their benefit, he would not support this, or any other bill, were it not founded on the immutable principles of justice. And why did the gentlemen from Maine and New York oppose it? Had they the balance of reason on their side? He certainly thought not. But it was for the interests of the people they represented; and their endeavors were to defend the great salt works of New York, and the fisheries of Maine, from any measure which seemed likely to injure them. The gentleman from New Hampshire, however, had completely broken down their reasoning. He had shown that it was an oppressive duty, com-

mencing during the war, which had now a partial and oppressive effect upon the agricultural community. Why should the farmers be subjected to such a heavy tax on an article so necessary to them? He hoped this bill would pass, because its effect would be to keep the hands of others out of the pockets of the farmers, who, with less protection than was bestowed on any other class, did far more than any other for the general good of the body politic. It was now the piping time of peace, and reason and justice dictated that a burthensome tax, levied during war, should be removed. It had been shown that we had an exuberant treasury—perhaps less so now than usual—but ample for any national or beneficial purpose. Congress was lavish of the public money on every new project proposed, and surely the farmers received the least of it. Certainly, in this one instance, it behooved Congress to grant the people this privilege, and take off this heavy burthen. He could not add to the force of what the gentleman from New Hampshire had said; and he might detract from it; he should, therefore, simply remark, that he trusted the bill would pass, that the farmers, and even the dumb animals of creation, might no longer be restricted, by an odious taxation, from the free and unrestrained enjoyment of the bounties of nature.

The question was then taken on engrossing the bill for a third reading, and decided in the affirmative, by the following vote:

YEAS.—Messrs. Bell, Benton, Berrien, Branch, Chandler, Cobb, Eaton, Edwards, Harrison, Hayne, King, Knight, Macon, Randolph, Reed, Rowan, Smith of Md., Smith of S. C., White, Willey, Williams, Woodbury—22.

NAYS.—Messrs. Barton, Boulligny, Chase, Clayton, Dickerson, Findlay, Hendricks, Holmes, Johnson of Ky., Johnston of Lou., Kane, Marks, Noble, Ridgely, Robbins, Ruggles, Sanford, Seymour, Thomas, Van Buren—20.

MONDAY, February 5.

*The Duty on Salt.*

The engrossed bill to repeal, in part, the duty on imported salt, was read the third time; and the question being stated on the passage of the bill—

Mr. RIDGELY said he did not think the present state of the revenue such as to make it proper for Congress to cut off any of its sources. Much had been said of the balance which would remain in the treasury after the payment of the expenses of the year and the sinking fund. But he was convinced that the amount of the balance which would be left at the disposal of Congress had been much overrated. He had examined the question with considerable attention, and he was confident that the balance, instead of being, as some had supposed, at the close of the year, four millions, would not be more than one million four or five hundred thousand dollars.

[Here Mr. Ridgely exhibited a detailed view of the finances, showing that there would be a deficiency of above \$700,000 in the sum to be applied to the Sinking Fund.]

MR. RIDGELY said he would submit to the Senate whether any of our resources ought to be cut off under such circumstances. With him it was not now a question whether the reduction contemplated was one which, in a more favorable state of things, ought to be made. He directed his attention solely to the condition of the revenue, and in that he thought might be found the most conclusive reasoning against any reduction of duties, whether on salt or any other commodity.

MR. SMITH, of Md., said, he felt under obligation to the gentleman from Delaware for the correctness with which he had stated the condition of the revenue. He had explained the subject as it was. The gentleman had, also, stated what had not come before under the observation of Mr. SMITH, that there was a deficiency in the estimates of the current year of half a million. Mr. S. believed that statement was correct; and he thought it should have made part of the duty of the Secretary of the Treasury to have informed Congress of the discrepancy by a special message, so that attention might have been bestowed upon it. It was much to the credit of the gentleman from Delaware that he had discovered the deficiency, and it was not much to the honor of himself [Mr. S.] that he should have overlooked it. From the statement he had seen, he now believed that deficiency existed. The Senate ought to feel obligated to the gentleman for the exposition. It would turn their attention to the state of our finances, and induce Congress to look to the means of the country before they engaged in lavish expenditures. This was not now done sufficiently: for all were too much addicted to voting away large sums, without sufficiently examining into the means at our disposal. It was on account of not doing so last year that they found themselves involved in their present difficulties. An estimate of the expenditure of the Government had been made formerly by Mr. Lowndes; and, by the reports laid before Congress this session, the expenditure last year exceeded the estimate no less than three millions. He [Mr. S.] thought it a salutary occurrence for the finances of the country to get occasionally into difficulty. It was the only state of things that could bring about retrenchment. It was so formerly, and it always would be so. He had never found Congress willing to reduce the expenditure of the Government until forced to by necessity. We find that, on a former occasion, the Government was pressed hard, and Congress was brought to the necessity of using strict economy. They did so, and what was the result? In less than three years the Treasury was overflowing. The worst of this—indeed the only evil effect arising from it—was, that every one seemed to

think that it would always remain. So far had this opinion been entertained, that, even this year, they had heard an elaborate argument in favor of dividing the surplus revenue among the several States. If such a plan is feasible, surely Congress can afford to reduce the duty on salt, the amount of which is comparatively trifling. But, while he [Mr. S.] doubted the policy of the plan for dividing the surplus among the members of the Union, he was of opinion that it was in the power of Congress to reduce the duty on salt, because it was in their power to lessen other expenditures to meet that reduction, without incurring the censure of throwing away the public money, as they often did. He knew that the duty was imposed under circumstance that did not afford a sanction for its continuance even until this period. At the time that a salt tax was first levied, the country was in difficulty, we owed large debts, and were obliged to lay hold of every thing, even to pay the interest on the public debt. An impost was levied on salt, which was considered a war duty, and afterwards removed. When this impost was again laid on salt, during the last war, it was again understood to be merely a temporary measure. But, after the war, when the tariff of 1816 was adopted, the duty on every other imported article was decreased or removed, while this odious tax was retained. Had not the people great reason to complain of this partial and unfair arrangement? So far as the revenue was concerned, he thought the objection to the bill ought not to be sustained. But there were other points, besides that relating to the revenue, which had been brought to bear upon the measure. He would, therefore, leave the revenue where it was, and say a few words on the fisheries and manufactures. In respect to the fisheries, when this subject was formerly brought forward, and a bounty was first proposed to be given to the fisheries, Mr. Madison objected to the granting of a bounty, as not allowed by the constitution. Mr. Goodhue, of Massachusetts, then proposed the word *allowance*, observing that they cared very little about the word in case they obtained the thing. The bill was passed, and they did get the thing; and, from all reports, it appeared that great frauds were committed under this bounty law. The fishermen became, in some instances, smugglers, and, although they evaded the duty, received from the Collectors the bounty. The temptation of twenty cents on the bushel was too great for their morality. Thus injury was done both to the importer and to the revenue. If Congress removed this heavy duty so as to lessen the object of smuggling, it was altogether probable that, ultimately, instead of reducing the revenue, the measure would, by causing an increased importation, increase the revenue; at least that it would not be diminished. Certainly the consumption of the article for agricultural purposes would be vastly increased, so that, although the income from this article would be reduced

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*Duty on Salt.*

[SENATE.]

nominally 800,000 dollars, it might fairly be calculated that no such reduction in the receipts on salt would take place. The grand question, however, seemed to be—Can we risk any reduction of the revenue? Can we spare the sum for a moment? To this he answered, yes; we can do it by saving and economy. We can afford to meet this reduction, by diminishing our expenditure in other respects. It had been said that this reduction would injure the manufactures. What! injure manufactures that have enjoyed for a long series of years the protection of an onerous war duty? Injure manufactures that have long since arrived at maturity, and, for their benefit, continue a burthensome tax upon the agricultural classes? Even before the imposition of this duty, they were without protection, and were prosperous. He thought it a great object of legislation to reduce the expenses of living, as it increased the encouragement to labor, and the prosperity and comfort of all ranks of citizens. The duties which had been laid on many of the comforts and necessities of life had much increased the expense of families—he thought he might say, at least, one-half. And, whenever any portion of those duties could be diminished, he was fully of opinion that the diminution ought to take place. He had been told that the price of the salt manufactured in the State of New York, was 25 cents; that it had a duty to pay of ten cents; and it had been said in the Senate, that, taking away the duty, would not reduce the price of the article. Although this was a doctrine which he never had heard before, and the philosophy of which he could not penetrate, he was willing to admit its truth: for, if it was a good theory, the reduction of the duty contemplated by this bill could not, by possibility, injure the manufacturers of salt throughout the country.

Mr. RUEGLES said, that he could not vote for the bill. It was agreed that there was a deficiency in the revenue, and that the state of the country required rather an increase than a reduction of its resources. The argument that this was a war tax, had not with him as great weight as with some other gentlemen; and he was somewhat perplexed to account, satisfactorily, for the manner of arguing made use of by the gentleman from Maryland. He began by assenting to the statements of the gentleman from Delaware, in relation to the alarming deficiency of the revenue, and concluded by arguing that this is a war tax, and ought to be removed. He acknowledged that the Government required all the income it now enjoyed, yet he wished to remove this portion of it. If the conclusions of the gentleman from Delaware were correct, to his mind it was clear that the reduction could not be afforded, and that it was impolitic to pass the bill at the present time. If, as had been argued, it was the duty of Congress to take off the duty on salt, still he thought it ought not to be done until the revenue of the country is placed in a condition

to bear the reduction. Nor did he think it would be equitable to remove the protection now afforded to the manufacturers of salt, without giving them a little previous time to prepare for the change which it would produce. By suddenly removing the protection, those persons who had invested large capitals in this manufacture, and who had supposed the law upon this subject settled and permanent, would be seriously injured. Many of them would be inevitably ruined by the immediate operation of this bill. If the tax was reduced at all, he thought this was not the time for its reduction. He could not believe, with his colleague, that the people, or any considerable portion of them, would be benefited by the change. He had received information upon the subject, from Ohio, and that information convinced him that the bill would be very injurious to the people of that State. He knew of one company in which eighty thousand dollars were invested, and a great number of laborers employed, all of whom would be deprived of their occupation, and the capitalists forced to abandon, with great loss, the property invested. And if once destroyed, how could we expect, in case of a future war, to restore at once those manufactories which require years to perfect their establishment? The duty had been continued twelve years, and not an individual who engaged in the manufacture, ever dreamed that it was other than permanent. As to the scarcity of salt in Cincinnati, the reason was obvious. The river had been frozen, and it was impossible for the merchants to obtain their supplies. And while on this part of his colleague's statement, he would ask if the people of Ohio had ever petitioned for protection from the combinations, the effects of which are described as so oppressive? If they had not, there was no reason to believe that they were desirous of a change. The truth seemed to be, that this was a measure got up in the Senate, upon which the desires of the people had not been consulted or obtained. He thought that, before a law of the kind was passed, the wishes of the community ought to be consulted: and he doubted not their decision would have been, keep on the duty until the debts of the nation are paid. He should, therefore, vote against the bill.

Mr. VAN BUREN said, that in the present acknowledged condition of the revenue, it appeared improper to introduce any bill which would tend to lessen the income of the Treasury. The deficiency of the public funds was now reduced to a certainty. Congress began this year with the supposition that there were two and a half millions in the Treasury. He now understood that this was erroneous, and that, owing to an error, that amount must be reduced to one million four hundred thousand dollars, which, according to the computation of the gentleman from Delaware, was the sum remaining in the Treasury. And this sum was there by reason of the Secretary having omitted to pay the two millions reserved as a sinking

fund. So that, if the Treasury had paid its obligations, it would have been minus seven hundred thousand dollars. The deficiency certainly occurred before the present Secretary came into office; but it was a want of faith on the part of the Government, in not paying the sinking fund, and the fourteen hundred thousand dollars was in the Treasury, because that fund had not been paid. He should, on the ground of the condition of the finances, oppose the bill with his vote.

Mr. JOHNSTON, of Louisiana, said, that he had no doubt the gentleman from New York was entirely mistaken. The gentleman from Delaware had, in his opinion, made a mistake of half a million. The amount of money in the Treasury was an imaginary sum, and much of the fund consisted of bonds. The sum to be reserved from the expenditure, for a sinking fund, was two millions. This could not be paid by the Secretary of the Treasury, who had no authority for doing so. The gentleman knew that the revenue had been, during the last year, defrauded of one million, which never happened before; and this would, in some measure, account for the present condition of the finances. The gentleman from Maryland seemed to think the expenditure of last year an unreasonable one, as he passed some general censure on the appropriations. Mr. J. thought, if the gentleman would turn his attention to those appropriations, he would find them all-essential. He then enumerated the prominent objects to which money had been appropriated by Congress last year, and concluded by observing, that it was an error to suppose that the extraordinary expenditure of the Government was greater last year than any previous year; as it was not so.

Mr. RIDGELY conceived that the gentleman from Louisiana was mistaken in the construction of the act in relation to the sinking fund.

Mr. JOHNSTON replied, that he spoke of the act only as it was construed by the Commissioners of the Sinking Fund.

Mr. RIDGELY read the act. Of the surplus of money in the Treasury after the expenditure of the year, by the fourth section, two millions were to be reserved as a permanent sinking fund. It was admitted that there was now due to the Commissioners, on account of this fund, the sum of three millions. Here, then, was an engagement which the Treasury was not able to meet, and taking this fact alone, it did appear that the demands upon the Treasury could not be discharged.

Mr. CHANDLER said, that, although it might be uncommon that there were few or no petitions in favor of reduction of the duty on salt, yet, the duty on salt was a great and oppressive burthen to the agricultural interest. As to this argument against the bill, the Senate was every day in the habit of acting upon bills introduced on the motion of a member. He considered it of very little importance, as to the merits of the subject. It was known that this duty was a tax levied during the war, and to effect the pur-

poses of a war. It was never intended that it should remain, when that state of things ceased. The sooner, therefore, it was taken off, the sooner justice would be done, which had long been delayed. The gentleman from Ohio [Mr. RUGGLES] seemed to think that, if the tax was removed at all, it should have been immediately after the war; and that, now it had been suffered to remain so long, it would be a serious evil to remove it. But this was not good reasoning or just policy. That gentleman also objected that the people had not generally petitioned against the tax. But he did not seem to know the disposition of the farmers of the country. They were a peaceable class, quietly pursuing their laborious occupations, who believed that Congress would relieve them, and who knew that the object was in progress for that purpose. They, therefore, did not think it necessary to load the table with complaints of a burthen which they had long and patiently endured, and which they believed was generally understood. Mr. C. believed the duty ought to be removed—he had heard no argument of weight against the bill—and he knew no reason under Heaven why the duty should be retained, or Congress should refuse to relieve the only class of people who, in a time of peace, labored under the oppression of a war tax.

Mr. BRANCH said the gentleman from Ohio had remarked that this bill was the only offspring of the Agricultural Committee; and he had hoped that gentleman would have extended his accustomed urbanity to this only measure for the benefit of that neglected class, which had been brought before the Senate during this session. From this consideration alone—that the Agricultural Committee had importuned the Senate so little, this subject was entitled to attention. But it had other claims upon Congress. It had a claim founded in justice, and the equal rights of different classes of citizens. The gentlemen opposed to the bill, after attempting various grounds of argument, had settled down upon the revenue; and here they made their most desperate stand. The first position taken by them, was the injury imagined, which this bill would inflict upon the fisheries. The gentleman from New Hampshire had most effectually driven them from that ground. It was clear they were at fault in that point; and are they not as much in error here? How do all the statements which have been made this morning agree with those we have heard but within a short time? At the opening of the session we had an exuberant Treasury—we were then overflowing with wealth. But now, when we ask the removal of this partial and exorbitant impost, what is the answer? We are told, forsooth, that the Treasury is drained. We can appropriate money for every other object. But the scarcity is severely felt when any endeavor is made to ameliorate the condition of agriculture. We can appropriate our thousands for foreign objects, but it is difficult to obtain assistance for the laboring community at home.

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*The United States and Georgia.*

[SENATE.]

Yes, from a principle of false philanthropy, the Government, last year, appropriated two or three hundred thousand dollars for the purchase of a frigate for the Greeks. It was done covertly, I admit—but it was done; and we then heard nothing of the poverty of the Treasury—nothing of economy—nothing of the danger of encroaching upon the money applied to the payment of the public debt. This course of expenditure had gone on from time to time, until the Salt bill was touched upon, and then the mine springs: then we are a wretched Bankrupt Nation, and cannot afford to reduce the paltry sum of three hundred thousand dollars of the duty on salt, for the benefit of the people, and, I may say, the whole people: for this is emphatically the people's bill. Now we have no funds to spare, and another step will ruin the country. I had not, said Mr. B., expected to meet with this want of liberality, especially after the report in favor of the bill, by the Committee of Finance. The only question was, whether we could dispense with this amount of revenue; for an opinion upon that point, the bill was referred to the Finance Committee; and the able chairman informs us that it can be done; that, by retrenchment in other useless expenditures, we can, at length, perform this act of justice to the most useful class of our community. Still, we are told that the country is bankrupt; and, even the friends of the Administration tell us so, in contradiction to the Message of the Chief Magistrate at the opening of the session, which informed us that our Treasury was overflowing. He hoped these inconsistencies would have no effect upon the Senate: but that, convinced of the justice of the measure proposed by the bill, it would be successful.

The bill was then passed, by the following vote, and sent to the other House for concurrence:

**YEAS.**—Messrs. Bell, Benton, Berrien, Branch, Chambers, Chandler, Cobb, Eaton, Edwards, Harrison, Hayne, King, Knight, Macon, McKinley, Randolph, Reed, Rowan, Smith of Md., Smith of S. C., White, Willey, Williams, Woodbury—24.

**NAYS.**—Messrs. Barton, Bateman, Boulogny, Chase, Clayton, Dickerson, Findlay, Hendricks, Holmes, Johnson of Ky., Johnston of Lou., Kane, Marks, Noble, Ridgely, Robbins, Ruggles, Sanford, Seymour, Thomas, Van Buren—21.

#### *The United States and Georgia.*

The following Message was received from the President of the United States, by the hands of his private Secretary:

*To the Senate and House of Representatives of the United States:*

WASHINGTON, 5th February, 1827.

I submit to the consideration of Congress, a letter from the Agent of the United States with the Creek Indians, who invoke the protection of the Government of the United States, in defence of the rights and territory secured to that nation by the treaty concluded at Washington, and ratified on the part of the United States, on the twenty-second of April last.

The complaint set forth in this letter, that Surveyors from Georgia have been employed in surveying lands within the Indian territory, as secured by that treaty, is authenticated by information officially received from other quarters, and there is reason to believe that one or more of the Surveyors have been arrested in their progress by the Indians. Their forbearance, and reliance upon the good faith of the United States, will, it is hoped, avert scenes of violence and blood, which there is otherwise too much cause to apprehend will result from these proceedings.

By the fifth section of the act of Congress, of the 30th of March, 1802, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, it is provided, that if any citizen of, or other person resident in, the United States, shall make a settlement on any lands belonging, or secured, or granted by treaty with the United States to any Indian tribe, or shall survey, or attempt to survey, such lands, or designate any of the boundaries by marking trees or otherwise, such offender shall forfeit a sum not exceeding one thousand dollars, and suffer imprisonment not exceeding twelve months. By the 16th and 17th sections of the same statute, two distinct processes are prescribed, by either or both of which, the above enactment may be carried into execution. By the first, it is declared to be lawful for the military force of the United States to apprehend every person found in the Indian country, over and beyond the boundary line between the United States and the Indian tribes, in violation of any of the provisions or regulations of the act, and immediately to convey them, in the nearest convenient and safe route, to the civil authority of the United States, in some one of the three next adjoining States or Districts, to be proceeded against in due course of law.

By the second, it is directed, that, if any person charged with a violation of any of the provisions or regulations of the act, shall be found within any of the United States, or either of their territorial districts, such offender may be there apprehended, and brought to trial in the same manner as if such crime or offence had been committed within such State or District; and that it shall be the duty of the military force of the United States, when called upon by the civil magistrates, or any proper officer, or other person duly authorized for that purpose, and having a lawful warrant, to aid and assist such magistrate, officer, or other person so authorized in arresting such offender, and committing him to safe custody for trial according to law.

The first of these processes is adapted to the arrest of the trespasser upon Indian territories, on the spot, and in the act of committing the offence. But, as it applies the action of the Government of the United States to places where the civil process of the law has no authorized course, it is committed entirely to the functions of the military force to arrest the person of the offender, and after bringing him within the reach of the jurisdiction of the Courts, there to deliver him into custody for trial. The second makes the violator of the law amenable only after his offence has been consummated, and when he has returned within the civil jurisdiction of the Union. This process, in the first instance, is merely of a civil character, but may, in like manner, be enforced, by calling in, if necessary, the aid of the military force.

Entertaining no doubt that, in the present case,

the resort to either of these modes of process, or to both, was within the discretion of the Executive authority, and penetrated with the duty of maintaining the rights of the Indians, as secured both by the treaty and the law, I concluded, after full deliberation, to have recourse on this occasion, in the first instance, only to the civil process. Instructions have accordingly been given by the Secretary of War, to the Attorney and Marshal of the United States in the District of Georgia, to commence prosecutions against the Surveyors complained of as having violated the law, while orders have at the same time been forwarded to the Agent of the United States, at once to assure the Indians that their rights, founded upon the treaty and the law, are recognized by this Government, and will be faithfully protected, and earnestly to exhort them, by the forbearance of every act of hostility on their part, to preserve unimpaired that right to protection, secured to them by the sacred pledge of the good faith of this nation. Copies of these instructions and orders are herewith transmitted to Congress.

In abstaining, at this stage of the proceedings, from the application of any military force, I have been governed by considerations, which will, I trust, meet the concurrence of the Legislature. Among them, one of paramount importance has been, that these surveys have been attempted, and partly effected, under color of legal authority from the State of Georgia. That the Surveyors are therefore not to be viewed in the light of individual and solitary transgressors, but as the Agents of a sovereign State, acting in obedience to authority which they believed to be binding upon them. Intimations had been given that, should they meet with interruption, they would, at all hazards, be sustained by the military force of the State, in which event, if the military force of the Union should have been employed to enforce its violated law, a conflict *must* have ensued, which would, in itself, have inflicted a wound upon the Union, and have presented the aspect of one of these confederated States at war with the rest. Anxious, above all, to avert this state of things, yet, at the same time, impressed with the deepest conviction of my own duty, to take care that the laws shall be executed, and the faith of the nation preserved, I have used, of the means entrusted to the Executive for that purpose, only those which, without resorting to military force, may vindicate the sanctity of the law, by the ordinary agency of the Judicial tribunals.

It ought not, however, to be disguised, that the act of the Legislature of Georgia, under the constructions given to it by the Governor of that State, and the surveys made, or attempted, by his authority, beyond the boundary secured by the treaty of Washington, of April last, to the Creek Indians, are in direct violation of the Supreme Law of this land, set forth in a Treaty, which has received all the sanctions provided by the constitution, which we have been sworn to support and maintain.

Happily distributed as the sovereign powers of the people of this Union have been, between their General and State Governments, their history has already too often presented collisions between these divided authorities, with regard to the extent of their respective powers. No instance, however, has hitherto occurred, in which this collision has been urged into a conflict of actual force. No other case is known to have happened, in which the

application of military force by the Government of the Union has been prescribed for the enforcement of a law, the violation of which has, within any single State, been prescribed by a legislative act of the State. In the present instance, it is my duty to say, that, if the Legislative and Executive Authorities of the State of Georgia should persevere in acts of encroachment upon the territories secured by a solemn Treaty to the Indians, and the laws of the Union remain unaltered, a superadded obligation, even higher than that of human authority, will compel the Executive of the United States to enforce the laws, and fulfil the duties of the nation, by all the force committed for that purpose to his charge. That the arm of military force will be resorted to only in the event of the failure of all other expedients provided by the laws, a pledge has been given, by the forbearance to employ it at this time. It is submitted to the wisdom of Congress to determine, whether any further act of legislation may be necessary or expedient to meet the emergency which these transactions may produce.

JOHN QUINCY ADAMS.

The Message having been read—

Mr. BENTON moved the reference of the Message to the Judiciary Committee. At first he had thought it a fit subject for a reference to the Committee on Indian Affairs; but he did not now think so, as there were questions involved in the Message in relation to the enforcement of laws and treaties, which required an investigation of the Judiciary Committee.

Mr. BERRIEN said: I agree with the Senator from Missouri, that this Message, and the accompanying documents, ought not to be referred to the Committee on *Indian Affairs*, because they involve questions very much beyond the limits of those which are ordinarily and appropriately assigned to that committee. I *disagree* with him in the opinion that they constitute a proper subject of reference to the *Judiciary Committee*; and so perfect is my reliance on the correctness of his judgment, when he shall have directed his attention to the various subjects of this Message, that I shall not hesitate to propose a different reference, in the confidence that he will, on further reflection, concur with me in the view which I have taken of it, and will therefore withdraw his motion.

Sir, the President of the United States, in the Message now before us, has called us to the consideration of various questions, in their nature grave, important, and delicate.

He has told you that certain *officers* of the State of Georgia, *acting within the limits of that State, and under the authority of its laws*, have violated, according to his construction of it, an act of the Congress of the United States. He has told you that, according to his construction of that act, he is authorized to arrest these officers thus engaged in the execution of their duty, under the laws of the State, and within its limits, and to bring them to trial before the judicial tribunals of the United States, or, at his direction, to employ the military forces of the Union, the army of the United States, by the bayonets of its regular soldiery,



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*The United States and Georgia.*

[SENATE.]

to coerce the State of Georgia, through these officers, to submit to *his* construction of this act, and his opinion as to the rights of that State. He has told you that he has already directed the arrest and trial of these officers, as offenders against the laws of the United States; and before any decision of yours can operate, this mandate will no doubt have been carried into effect, so far as it relates to the arrest of the supposed offenders. He submits to you the inquiry, whether any act of legislation be necessary on the part of the Congress of the United States; and accompanies this inquiry with the declaration of his determination, under a sense of higher obligations than any which Congress can impose, if in his view it shall become necessary, to call out the military force of the United States to carry this act of Congress into effect, according to *his* understanding of its meaning and intent.

Sir, I repeat the declaration. The questions presented by this Message are grave, important, and delicate. They cannot be arranged under the head of the duties, appropriately and peculiarly assigned to any one of the standing committees of this House.

Admitting, as in deference to the authority by which they are asserted, we are bound to do, for the mere purpose of this inquiry, that the facts stated are true, the first question presented is this:

Does the case stated fall under the provisions of the act of Congress referred to in the Message? Abstractedly considered, as a mere question of statutory construction, I agree that this is a fit subject for inquiry by the Judiciary Committee. But another question immediately supervenes. The President, in the same Message, tells you that he has already taken measures to submit this question to the decision of the Judicial tribunals of the United States. With a knowledge of this fact, is it proper for us to give our sanction to the use of the military force of the Union, during the pendency of this Judicial investigation? I apprehend this inquiry transcends the limits of the duties assigned to the Judiciary Committee. It would belong more appropriately to a committee on the state of the Republic, if such a committee existed.

Excluding the idea of the actual pendency of a judicial inquiry, which has been instituted under the orders of the President of the United States himself, another question presents itself, which, in my view, equally transcends the limits of the duties which appropriately belong to the Judiciary Committee. I state it thus:

Is the resort to military force, *before Judicial inquiry is had*, an appropriate mode of determining the rights of one of the sovereign States of this Confederacy? The question, sir, is *now* comparatively unimportant. The feeling of indignation, of abhorrence, which such a measure would excite, would be so strong, so universal, that, happily for us, no man in the times in which we live, would dare to resort to it. Or, if he had the audacity to do so, he would bring

down upon himself the merited execrations of the whole American people. But we are establishing, so far as may depend upon us, principles which may affect the future destinies of this Republic; and our experience has taught us, how promptly precedents are resorted to, to sustain assumptions of power.

Another question, alike grave, presents itself to our consideration, and it is equally beyond the limits of the duties of any of the standing committees of this House.

If the line of conduct which the State and its officers are bound to pursue, is prescribed by *law*—if the United States has a right to judicial inquiry, as to the effect and operation of that law, on the case stated in the Message, *Has not the State of Georgia an equal right to such judicial inquiry? Where is the evidence that she shuns it?* If she meets the investigation which the President tells you he has directed to be instituted, are her officers to have a fair and an impartial trial—the privilege which is allowed to the veriest culprit—or are they to encounter it under the previous denunciation of the President and Congress of the United States, with the army to back them?

It is another subject of grave and interesting inquiry, which every lover of peace, every friend of the Union, will delight to pursue, whether some other mode may not be devised, by which this difficulty may be adjusted, without arraying a sovereign State of this Union against the Confederacy, either in the forum or the field. If, happily, such a measure can be devised, all will agree that it ought to be resorted to; and yet the questions necessary to its determination are beyond the sphere of the duties of any standing committee of this House.

There is yet a remaining question, full of importance to every member of this Confederacy. The President of the United States has announced to us his construction of an Act of Congress, and has alleged the violation of that Act, by the officers of the State of Georgia, acting within her limits, and under the authority of her laws. He has declared his resolution to carry that Act into effect, according to the construction which he has given to it, by the use, if it shall become necessary, of all the means at his disposal. He has distinctly announced to us his determination, as an ultimate resort, to avail himself of the military arm of the Union.

On a question of contested right, between the United States and the State of Georgia, which is already in a train of judicial investigation before the tribunals of the Union, under his immediate orders, the President of the United States considers himself authorized and bound, under a sense of higher obligations than any which you can impose, to send the army of the United States into the limits of the State of Georgia, to coerce her submission to his will—to his interpretation of the laws of the United States. Sir, if such an exercise of power may find the color of justification, under existing laws, does it not become us, as the guardians of



the rights of the States, by some clear and explicit act of legislation, to take from such an exercise of prerogative the shadow of pretence? I submit, then, to the Senator from Missouri, and to this House, the question, whether this Message, thus involving an inquiry materially affecting the rights of the States and of the Union, and the powers and the duties of the President of the United States, ought to be referred to any of the ordinary standing committees of this House? And, believing, as I do, that a committee specially constituted for the purpose of this inquiry, will most effectually accomplish the objects which every one should desire to attain, the ascertainment of truth, the administration of justice, and the preservation of the constitutional rights of the States, and of the Union, I move that the Message of the President of the United States, and the accompanying documents, be referred to a select committee.

Mr. HOLMES said, that it seemed that part of the Message, in reality, belonged to the Judiciary Committee; that another part belonged to the Committee on Indian Affairs; and that another portion fairly belonged to the Military Committee. There was another portion of this Message, which illustrated an opinion which Mr. H. had long entertained. He had, for a long time, considered that there was a deficiency in the standing committees, and that another ought to be added to those which already existed in the Senate. A committee to decide upon all questions between the States and the United States, would, he thought, be a valuable addition; and it would very properly receive the name of the Committee of the States. He would only say, that he was sorry any collision should take place between the Federal Government and any of the State Governments; and a question of such a nature ought rather to be referred to a select than a standing committee.

Mr. BENTON observed, that, on the first hearing of the Message, he had thought the Judiciary Committee a proper reference; but, on further consideration of the various questions involved in that document, he was disposed to agree with the gentleman from Georgia, that the proper course would be to refer it to a select committee. He would, therefore, withdraw the motion he had made.

Some further conversation took place; when the motion of Mr. HARRISON, to lay the Message on the table, was negative—18 to 26.

The question on the motion of Mr. BERRIEN to refer it to a select committee of five, was then put, and carried.

[The following additional documents on this subject were communicated by the President of the United States, on a subsequent day, and referred to the same committee.

*To the Senate and House of Representatives of the United States:*

WASHINGTON, 8th Feb., 1827.

I communicate to Congress copies of a letter from

the Governor of the State of Georgia, received since my Message of the 5th instant, and of enclosures received with it, further confirmative of the facts stated in that Message.

JOHN QUINCY ADAMS.

EXECUTIVE DEPARTMENT, GEORGIA,  
Milledgeville, 27th January, 1827.

SIR: As the officers of Georgia, engaged in the execution of their duties near to its western boundary, by order of the Legislative and Executive authority of the State, have suffered frequent interruption from the Indians of the Creek nation, accompanied by indignities and insults sufficiently aggravated, and are still threatened with others of more violent and outrageous character; and, as there is reason to believe that your Agent of Indian Affairs is the prime mover and instigator of the same, I have deemed it proper to lay before you the enclosed papers in support of that belief, and to ask the favor of you to inform me if that officer is so acting by your authority, or with your sanction and countenance. It may be thought painful enough that the United States, whose undoubted right it is, shall enter into controversy with Georgia on the validity of treaties, and the lawfulness of boundaries, trespasses committed on the one side, or right of sovereignty violated on the other, with the remedial or redressive measures demanded by either.

It is not to be presumed that the President would transfer the sovereign attributes to a subaltern agent, much less that he would delegate them for the annoyance of the people of Georgia, for insult to their public functionaries, for invasion of their Territorial rights, and, finally, for bloodshed.

If these powers have been insolently assumed by such subaltern, for such purposes, it is not for the Governor of Georgia to dictate to the President the measures which ought to follow, as well in vindication of the honor of the United States, as in reparation of the wrongs done to Georgia. The President is competent to judge them, and the Governor doubts not his willingness to judge them rightly.

With great consideration and respect,

G. M. TROUP.

THE PRESIDENT OF THE UNITED STATES.

*Copy of a letter from Wiley Williams to Governor Troup.*

11TH DISTRICT, CARROL COUNTY,  
January 22d, 1827.

SIR: I did flatter myself that I should have been able to complete my survey without troubling you, or being troubled by the Indians, but in this I have been deceived. Eight or ten lusty fellows rode up to my camp last night, with a letter, written by Crowell, and signed by several Chiefs, and ordered me to desist from surveying the line on the west side of the new treaty line. Mr. Rogers, who surveys the ninth district, and who will be the bearer of this, was broken up by them yesterday. You will know best what measures to pursue in regard to the affair, but if the survey proceeds, a protection must be afforded us, and that must be sufficient to protect the whole frontier line, from the intersection of the Cherokee line with the State line, to Miller's Bend. There is about one-fourth of my district that lies west of Bright's line, and I yesterday completed my meridian lines through it. I shall, to-day, commence my traverse lines, but, after mature reflection, I cannot feel myself safe in

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crossing Bright's line at present, but shall proceed to survey that part which lies East of the line, and when I am done, I shall make the attempt to survey the balance. I hope by that time, however, a sufficient protection will be afforded. Mr. Rogers can better inform you than I can by writing.

Yours, respectfully,

WILEY WILLIAMS.

CREEK NATION, Jan. 12, 1827.

*To the Surveyors, running the land West of the line of the late Treaty:*

GENTLEMEN:—We, the undersigned Chiefs and Head-men of the Creek nation, having learnt, with great regret, that you are engaged in surveying the lands West of the line of the late treaty, and which was not ceded by that treaty, we have again to request and demand of you, in the most friendly terms, that you will desist from stretching a chain over any of our lands, not ceded by the said treaty; we flattered ourselves, and we had a right to believe, the stipulations of that treaty would have been friendly observed by all parties concerned, and that our former differences with our neighbors, the Georgians, would have been finally settled, and that we would, in future, live in the strictest friendship in all our intercourse. We are determined, on our part, not to do an act that can be calculated to give offence, but are right, and we hope they will be respected. We are your friends.

Signed by Little Prince, Oakfusky Yoholo, Spanner Tustnagg Hargo, Eastcharco Chopco, Wigas Horge, Coche Hodgo, Charchus Micue.

*Copy of a letter from James A. Rogers, District Surveyor, to Governor Troup, January 23, 1827.*

HIS EXCELLENCY, GOVERNOR TROUP:

SIR: Enclosed you will find a copy of an instrument of writing, which was handed to me by a parcel of Indians, on the 21st instant; and, after I read the letter, they demanded of me my compass, which I had to surrender to them, but after a few minutes, they agreed to give me back my compass, and would come with me over the new Treaty line, which they did, and threatened me very severe if I should be caught over Bright's line again, a surveying. I have come on to McIntosh's old place, and have stopt my hands until I hear from you. If you intend to give me assistance, I hope you will take the earliest measure to get it to me, as provision is scarce, and my hands uneasy to go home. As to the number of men it will take to guard me, I am unable to say—my situation is this: There is three settlements of Indians in my District that have in them about ten men; and in two miles, on the Alabama side, there is a large town that I am told have from forty to fifty warriors in it, which is to be placed on the new treaty line as spies, and prevent the land from being surveyed; and, as for further information, I will refer you to Major Panmore, the bearer of this express, and who was with me when the Indians stopt me.

Yours, &c.,

JAMES A. ROGERS, D. S.

GEO. M. TROUP, Governor of Georgia.

WEDNESDAY, February 7.

*The Colonization Society.*

Mr. CHAMBERS presented the memorial of the Colonization Society, stating the object of the

society, and its progress, and praying that Congress should extend to them such assistance as it may, in its wisdom, think proper. Mr. O. moved its reference to a Special Committee. The memorial was read.

Mr. HAYNE said he seized the very moment when this question was, for the first time, presented to the Senate, to enter his protest against the right of the Federal Government to appropriate the money of the people for the purpose of establishing colonies abroad, or of transporting, at the public expense, any portion of the inhabitants of this country to the coast of Africa, or elsewhere. At the very threshold, he denied the constitutional power of the Government so to act; and if they had the power, he should still deny the policy, justice, and humanity, of such proceeding. The petition of the Colonization Society, which had been just read, calls upon this House to do two things, neither of which could be done, without an entire departure from the fundamental principles and settled policy of this country. They propose,—

1st. That the United States shall appropriate money to transport to the coast of Africa free persons of color, "and such others as the humanity of individuals and the laws of the United States may hereafter liberate." And,

2d. That the United States should take into their own hands, and under their own government and protection, the colony which this society has established on the coast of Africa.

With regard to the first object, (said Mr. H.,) I submit that it only relates to a subject with which the Federal Government can have nothing to do, but which it will be extremely dangerous for them to meddle with. It is not for me to admonish this House of the impolicy, injustice, and danger, of touching a subject with which the feelings and interests of a large portion of the Union are so closely connected. On this topic, however, (on which I always touch with extreme reluctance,) I should not now enlarge. I must be permitted to say, however, that, of all the extravagant schemes that have yet been devised in this country, I know of none more wild, impracticable, or mischievous, than this of colonization; and should a fair occasion ever present itself I shall make good this assertion. Avoiding, however, that unpleasant topic, I will bring the attention of the Senate to the great political question presented by this petition—that of establishing Colonies abroad; and I will ask the Senate if a question of graver character, or of greater magnitude, could possibly be submitted to their consideration? And I will put it to them to say, whether they are now prepared even to entertain such a question? I do not know to what part of the history of the world we are to look for arguments in favor of the colonial system. Colonies, we had been taught by the experience of other countries, and especially of England, had been, at all times, the fruitful source of wars, of injustice, and of oppression. They were

a curse not only to the colonies themselves, but also to the mother country. If, then, the colonial policy had been fatal to other nations, what argument could possibly be urged in favor of its adoption, at this time, by us, whose habits, institutions, and fundamental principles, oppose an almost insuperable bar to all foreign connections and alliances whatever? But when it is proposed that we should not only depart from these habits and principles, but that we should establish a colony of rude and untutored people on the other side of the Atlantic, and on the continent of Africa, the proposition needs but to be stated, to make its extravagance apparent. Even this, however, is not the view of the subject which I feel disposed, at this time, to press on the consideration of the Senate. I will show, from the official documents before us, that, whether it be the object of the Colonization Society or not, the effect of their engaging the assistance of the United States at this time, in behalf of their ill-advised and ill-fated colony, must be to engage this country in a war with the native tribes on that continent, and to involve us in serious difficulties with other nations. It is, perhaps, not generally known, but I have the evidence of the fact now before me, that the agents of this Colonization Society, on the coast of Africa, instead of being employed in peaceful pursuits, are engaged in warlike enterprises; that the colony has been organized into military corps; and that, under their gallant leader, the Reverend Dr. Ashmun, they have made war upon the Spaniards and the French, as well as on the natives; that they have, with force and arms, invaded and broken up several establishments, have made numerous captives, and, in short, are proceeding, as all such colonies always will proceed, with a high hand, to extend their influence and power by the sword. In proof of these assertions, I beg leave to turn the attention of the Senate to the documents transmitted to Congress by the Navy Department, during the present session. In these documents, will be found a correspondence between Dr. Ashmun, the agent of the Colonization Society, (and Superintendent of their colony at Monrovia,) and the Secretary of the Navy, from which I will now read a few passages. In a letter from Dr. Ashmun to the Secretary of the Navy, dated Cape Mesurado, Oct. 14, 1825, he states, in substance, that the Spanish schooner *Clarida*, owned by several merchants of Havana, and regularly documented, had arrived in Liberia Bay, in July, for the purpose of obtaining slaves to be delivered at a town to the northward, belonging to a man named Yellow Will, and "subject to the jurisdiction of King Bristol"—that an English brig, the *Tom Cod*, also arrived in October, and the Spanish schooner having lost her anchor, her crew went on board of the English brig, and forcibly took away an anchor and other articles; in consequence of which unlawful acts, he (Dr. Ashmun) having received the testimony of six individuals, determined to cap-

ture the Spanish vessel, and obtained of Captain Potter, (the English Captain,) the use of his brig for that purpose. Dr. Ashmun then proceeds to give the following account of the expedition:

"The military of this colony is organized into a corps of Independent Infantry, consisting of thirty-six young men, and a corps of Artillerists, consisting of forty-eight. From the former I made a requisition of twenty-five men, to act under Captain James C. Barbour, their commander, and their other officers. Twenty-two Artillerists, under Capt. F. James, the commanding officer of their corps, at my request, volunteered to attend me on board the *Tom Cod*. I then gave Captain Barbour written instructions to proceed the same evening with his force, taking two days' provisions, to the mouth of the St. Paul's; sending one division by the *Stockton*, in boats, and conducting the other along the beach, encamp at the place of rendezvous till daylight on the eighth, and then advance by the beach upon Digby, awaiting further orders, which I was to send him from the brig. But, should the brig, by any accident, fall into the hands of the pirates, or pursue her out to sea, he was to seize upon the factory at Yellow Will's, and make the best of his way back with the prisoners, slaves, and property, captured in it. In this young officer's prudence and intrepidity, and in the exact discipline and firmness of his men, I knew I could entirely confide. With the twenty-two volunteers under Capt. James, I went on board the *Tom Cod* at 4 o'clock, taking along two carriage guns, and a suitable provision of ammunition, belonging to the agency. Of these brave fellows, eight had, on two former occasions, fought at my side for nearly three hours, in our bloody conflicts with the natives; and I knew they would all follow wherever it might be necessary for me to lead them. Their number was greater than the crew of the Spaniard by six men, and our weight of metal considerably superior; so that there is little doubt had we fallen in with the pirate, that she must have been taken. But it was not our lot to engage him. During the night I had brought the brig to the windward of Digby, upon which we bore down, under the American flag, at daylight on the morning of the eighth, ready for action. The morning was thick, and it was not until half-past one o'clock that I was able to ascertain the absence of the *Clarida*; whom, I afterwards learned, had not communicated with the shore, nor been seen from Digby, since the robbery of the brig. Captain Barbour's division having now arrived, I landed with five men, through the surf, ordering the brig to lie off and on, till she should receive a signal to return to Mesurado; and, at a few minutes past nine, entered Yellow Will's town; but found the factory abandoned, and the slaves and nearly all the property gone. I soon learned that the whole had been conveyed across Poor River, a broad and deep stream, which has its course parallel with this part of the coast, and at only two miles distance from it. Messengers were immediately despatched to King Bristol and Will, conveying my friendly assurances; but insisting on the immediate delivery of the Spaniards, and all the slaves and property belonging to the factory into my hands. In reply, I was openly informed, that both refused to comply with the demand, but assured secretly, by one of the head men, that the King was willing to see me

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seize upon the concern, provided the business could be so managed as to save the appearance of treachery to their customers, on the part of himself and his people. I perceived the force and intention of this hint at once, and took my measures accordingly. After a personal interview with Bristol and Will, I returned, and, with twelve men, crossing the Poor River in a small canoe, which could carry but four men at a time, soon obtained possession of the Spaniards, at a town situated a short distance from that in which the wreck of the factory was concealed. In the mean time, I had perfectly informed myself of the exact state of the concern at that time. Two of the four Spaniards left ashore were ill. Goods of the value of ninety slaves had been already advanced to the country dealers, on which only fourteen had yet been received at the factory. Goods equal in value to about six hundred dollars only, remained in the factory on the morning of the eighth, when, in the confusion caused by the alarm at daylight, nearly the whole had fallen into the hands of the country people; who, under the color of assisting the Spaniards to secure their goods, had carried them off. But the fourteen slaves had been preserved. None of the four Spaniards now in my custody were on board the *Clarida* at the time of her committing the piracy on the fifth, nor had communicated with her since that act, and there was not even presumptive proof that the character of the vessel was piratical, by the laws of Spain, previous to the perpetration of the robbery of that date. The slaves and all the property remaining, were surrendered into my hands by the mate, Zugaste, at three o'clock, on the ninth, and the four Spaniards discharged from custody, on the grounds just stated. A part of the goods, as per the accompanying statement, amounting to forty-three dollars, was restored to the mate, for the purpose of subsisting himself and his companions, till an opportunity should offer to take passage for some other part of the world. After several other deductions for expense, as per the same statement, the residue, amounting to ninety-one dollars and fifty cents, was equally divided between the captors and the United States. A quantity of spars, belonging to the schooner, found at Will's place, were burnt, and the rice collected at the factory, which could not be conveniently brought off, was distributed among the natives."

Thus ends the bulletin of the first expedition of the Rev. Dr. Ashmun, which resulted, as we have seen, in the invasion of the territory of King Bristol, the forcible possession of Yellow Will's town for forty-eight hours; the capture of five Spaniards, and all the slaves and property belonging to their factory; the destruction of a quantity of spars belonging to the schooner, and of the rice collected at the factory, without any other object, except to punish a Spanish vessel, and to prevent her from carrying on a trade sanctioned by the laws of Spain.

The next military expedition is related in Dr. Ashmun's letter to the Secretary of the Navy, dated Cape Mesurado, October 25th, 1826, in which he states, in substance, that, having received information that certain slaves, destined for the Spanish schooner, were secreted at a French factory, on the St. Paul's, he undertook a military expedition against that place,

which he entered in the night, and the next morning took six prisoners. This bulletin concluded in the following triumphant style:

"The whole party returning, arrived at Monrovia, in safety, after a most fatiguing expedition of twenty-five hours; in which all except myself and a guard of seven men only, including the boatmen, had, without sleep, performed a forced march of thirty-five miles, through a pathless country, of which one-half was traversed in the depth of night, and the other under the full power of an African sun. It gives me pleasure to add, that such a cheerful zeal in the cause of African emancipation animates this little corps, that not a murmur of impatience was, during the whole time, heard in the ranks. So injured are the men to the climate of their adopted country, that not an individual has suffered in his health from the extreme exposure and fatigue of the expedition; and, in such handsome military style was the affair conducted, that the very inhabitants of the country through which the route of the party lay, were scarcely apprised of the movement, before its termination, in the return of the people to their homes."

It has been said of certain animals, that, when they have once tasted of blood, they will be satisfied with no other food. And thus it was with the reverend and gallant leader of the colony of Monrovia. His appetite once whetted with what he calls, "his bloody conflicts of nearly three hours with the natives," and his "zeal once excited in the cause of African emancipation," he appears restless and dissatisfied when not engaged in martial enterprises.

The Bulletin of the next expedition, is dated Cape Mesurado, Dec. 8, 1826, and relates the particulars of the capture and destruction of a French Slave Factory, on the St. Paul's, five miles (direct distance) from the Cape. The occasion of this expedition is stated to be that "five of the men liberated at Digby, impelled by an innate love of country, had absented from the establishment,"—and it seems had been taken up and detained at this French factory. As the letter is short, I will read the whole of it.

"U. S. AGENCY FOR RECAPTURED AFRICANS,

*Cape Mesurado, Dec. 8th, 1826.*

"SIR: I have the honor to state that another unforeseen occurrence has placed at my disposal the large additional number of ninety-nine Africans, whom I caused to be released from their irons this morning at eight o'clock; and whom I judge to be proper objects of the beneficent provision made by the Government of the United States for persons liberated from illegal bondage, under the laws for suppressing the slave trade. On the fourth of November, four of the men liberated at Digby on the ninth of the preceding month, impelled by that innate love of country, which none of the vicissitudes of life can extinguish in the human bosom, deserted from the establishment, passed the Mesurado River, and disappeared in the boundless woody region which extends to an unknown distance in the interior. Knowing that if not speedily brought back, they must inevitably terminate their desperate enterprise in hopeless slavery, I had recourse, without

delay, to every means for their recovery which promised to succeed, but to no purpose. Intelligence of their desertion, with the offer of a reward for their restoration, was immediately conveyed to the different tribes in friendly correspondence with the settlement, but no information was had of the fugitives, before the fifth instant, when I received, from a source entitled to credit, intelligence that three of their number had been reduced to slavery and loaded with chains at the French Slave Factory, on the St. Paul's, five miles (direct distance) from the Cape. On the morning of the sixth, I despatched three men to demand the deserters in the name of the United States; and to inquire by what means they had fallen into the hands of the factors. The demand was evasively replied to, but, in answer to the inquiry, it was stated that two Frenchmen, agents resident at the Factory, had bought them. I then instructed the messengers charged with the order, to repeat it; they did so, but with no other effect than to draw from the two factors a written declaration of their purpose to detain the people indefinitely. Finding the recovery of the men by mere rational methods too doubtful to justify any further delay, which, as a French schooner was lying near, ready to receive slaves, might subject them to be transported in a very few hours forever beyond the reach of the Government of the United States, and obliged to regard the ground taken by the Factory as that of virtual defiance, which justified, from a growing concern, founded in avarice and iniquity, the apprehension of eventual consequences fatal to the benevolent objects of this Agency, I had no hesitation in resolving upon the unpleasant duty of forcibly subverting the establishment altogether. Captain James O. Barbour, of the Infantry, with eighteen men, was accordingly charged, last night at nine o'clock, with the accomplishment of this service. Two boats were provided, in which this little force embarked at two o'clock this morning. Ascending the Stockton, they arrived on the St. Paul's at daybreak; twenty minutes afterwards the men were landed at the Factory. In ten minutes the slaves, to the number of forty-three men, thirteen women, and forty-three children of both sexes, (in all ninety-nine,) were in the custody of the officer, and in full march along the beach for Monrovia. The boats received the invalids and feeblest of the children, and stood along shore at musket shot distance abreast of the party advancing by land. The whole arrived safely at Monrovia, at eight o'clock the same morning, just six hours after the setting out of the party, and eleven only after the first intimation given to the officer who so handsomely conducted it, that its services would be required. Of these people, ninety-seven are in perfect health, two only in a feeble condition, caused apparently by rigorous treatment. Respectfully, &c.

J. ASHMUN.

"P. S. In the number of persons rescued are included the three deserters."

"The Hon. SAMUEL L. SOUTHARD,  
Secretary U. S. Navy, Washington City, U. S."

Before I leave these letters, I must notice one or two other points. Dr. Ashmun states, in his letter of 28th October, 1825, that he regarded himself as undoubtedly possessed of the right "to control the purchase of the eighty

slaves destined for the Clarida," and that he had contracted for as many as should be delivered to him, at ten dollars per head, which sum he considers himself entitled to receive for the United States, together with a bounty of fifty dollars for each of them. In his letter of 22d January, 1826, he states that the number of slaves captured in three expeditions, were 180. "They have nearly completed," says he, "a village, &c. Every individual of their number is in perfect health, and, as an assemblage of rude and ignorant people, gathered out of nearly twenty different tribes, pursue their labor with a good deal of spirit, union, and success."

A little further on, he adds: "But at present it would be the height of imprudence to suffer them to want the constant guardianship of their superintendents. Several have already been driven, by their fears, to attempt, and a few have, it is thought, effected their escape," &c., &c.

In Dr. Ashmun's letter of 11th December, 1825, he states "that the French factors, whose establishment at St. Paul's was broken up, have announced their intention to appeal to their Government for redress."

Now, from these documents, Mr. President, it is manifest that the colony at Monrovia, under Dr. Ashmun, have made war upon the Spaniards, the French, and the natives—and it is absolutely certain, that a perseverance in such a course of conduct, must inevitably lead to the destruction of the colony, unless the strong arm of the United States shall be interposed to rescue them from the natural consequences of their rashness and folly. It is expressly declared by Dr. Ashmun, that "he has in view the introduction of a measure, on the part of the United States, for which he believes the time has arrived, and of which the object shall be entirely to abolish the slave trade, with the concurrence of the native authorities along a given line of coast, contiguous to the agency;" and his proceedings are doubtless intended to prepare the way for "that measure." The prisoners taken and put to labor under "superintendents," (or, as we should call them, overseers,) are, doubtless, found to be very convenient *helps* in a colony so much in want of physical strength, and productive labor. No doubt they are treated as kindly as such "a rude and ignorant people" ought to be; but so little gratitude have they to "their deliverers," that they are only prevented from "effecting their escape," by the "constant guardianship of their superintendents."

Let it not be said, sir, that the Colonization Society are not justly chargeable with these unwarrantable proceedings on the part of their agent. They have sanctioned, and approved of them. It is true, sir, (and I am sorry to be obliged to say so,) that Dr. Ashmun is also the agent of the United States, under the act of 8d March, 1819, for transporting captured Africans from the United States to their own country—an act which never authorized the slightest

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connection with any colony in Africa, but which, most unwarrantably, has been so used. Of Dr. Ashmun's conduct, however, our Government has *formally* disapproved. The Secretary of the Navy, in his letter of 10th August, 1826, written for the purpose of being communicated to Dr. Ashmun, says:

"Should it appear, hereafter, that some of the recaptured Africans have been taken to Trade town, confined, and were about to be sold again into slavery, and that Mr. Ashmun went no farther than was found necessary to rescue them, his conduct, as the agent of the Government, will not be condemned. So far as he has acted for the Colonization Society, in recapturing the Colonists, he will look to that society, both to explain his conduct, and be justified or condemned by it. The same remark is applicable to the previous expeditions. So far as he acted as the agent of the society, the Government does not mean to interfere with his responsibility to it. But the President thinks it necessary to disapprove of his conduct in those expeditions, so far as he has any connection with the Government. As agent of the United States, for a specified object, he had no justifiable cause to break up establishments supposed to belong to the owners of the Clarida, or any other persons, and to take the people found there to the Agency, to be maintained at the public expense. Our Government, in establishing the Agency, had one object, only, in view—to provide a place to which Africans, illegally brought into the United States, or lawfully captured by our cruisers upon the ocean, might be carried, and taken care of, until they could, with propriety, be restored to their own country, tribe, or nation. It has not intended to authorize, nor has it authorized, a forcible and warlike attack upon the citizens or subjects of any nation, with a view to suppress the slave trade, or to accomplish any other object, no matter how desirable, to advance the cause of humanity. You will, therefore, furnish to Mr. Ashmun a copy of this letter, that he may see the light in which his conduct is viewed by the Government. He has made a claim for the bounty allowed by the third and fourth sections of the act of 3d March, 1819; but it cannot be granted. The case of Africans liberated from their captors on the shores of Africa, does not come within the provisions of that act. It is understood, from his several letters, that about 170 Africans were liberated, in his various expeditions, and brought into the Agency, and are now on expense there. The accounts for their support to this time, will perhaps be paid; but they must cease to be a charge to the Government, and restored to their tribes as speedily as possible, or supported in some other mode. The fund devoted to this object is now much reduced, and, unless increased by Congress, will not bear a continuance of the burden. Should captures be made during the year, recourse must be had to another appropriation, to enable the Department to comply with the law. For the same reason, the reward of ten dollars, offered by him for each negro delivered, is not approved. It was not prudent, nor authorized by his instructions from the Government."

I will not stop to comment on the nice distinction here taken, which adopts for the Government all the lawful acts of Dr. Ashmun, and throws all the rest on the Colonization Society.

But, I must remark, that the society seems very willing to take all these on themselves: for, at the celebrated meeting, at which this very petition had its birth, the thanks of the society were unanimously given to Dr. Ashmun, for the "faithfulness, zeal, and ability, with which he has fulfilled his duties as agent of the society;" and that, too, with a full knowledge of all the facts which I have noticed.

And now the question arises, is it proper for the Senate even to refer to a committee, or to entertain, for a moment, this petition, embracing objects so important and so questionable, and coming here at a period, and under circumstances, which forbid a calm and deliberate examination of the subject? For my own part, I confess the claims set up in the petition are such, that I should at no time be willing even to consider them. The mere statement of them is enough for me. But, if gentlemen think otherwise—if they should think that the proposition of applying the national funds to transporting colored people abroad, and the establishment of a colony in Africa, is worthy of consideration, still I would submit, that they ought not to be received and considered at this time. The session has nearly passed away—but two weeks more remain. This subject cannot be finally acted on. And why, therefore, should we embarrass ourselves, create needless excitement, and waste the precious time of this House, on an odious and most unprofitable subject? I hope, sir, the petition will be laid on the table, and I shall make you that motion as soon as gentlemen, who may desire to explain their views, shall have been heard.

Mr. CHANDLER inquired by whom the memorial was signed: and, on examination, it was found that no signature was attached to it.

Mr. KING said he believed it was a rule of the Senate, that a member must present a memorial or petition as his own, or it must be signed by the petitioner or memorialist. Therefore, if the gentleman from Maryland did not assume it, he did not see how the Senate could act upon it, as it was not possible to determine whence it came, not being signed.

Mr. CHAMBERS was not disposed to assume the memorial as his own; still, he considered that, as it was entitled the memorial of the Colonization Society, and that society being well known, he thought it sufficiently plain whence the document came. In answer to the gentleman from Alabama, Mr. C. could give assurance, that this actually was the memorial of the Colonization Society.

Mr. BERRIEN said, the objections extended a little further. It was the petition of a body of persons who had really no legal existence. If it had been the petition of an individual, and the member presenting it could verify his handwriting: or, if the individuals forming that society had placed their names to this memorial, the Senate might act upon it. But the petition

of no body, without a legal existence, could be sustained before the Senate.

Mr. CHAMBERS answered the objections of the gentleman from Georgia. He thought that no rule of the Senate ought to exclude any citizen, or body of citizens, from presenting their wishes to the Senate, unless that rule was exerted for some useful purpose. The rule was made to preserve the Senate from deception, and to guard against entertaining petitions from fictitious applicants. But it was sufficient if the petition was vouched for, and the style in which it was worded was unexceptionable.

Mr. SMITH, of South Carolina, in commenting on the memorial, observed, that it was before the Senate without any solid form. It was a mere name, and no person was designated by it, to whom an appropriation might be given, should Congress see fit to make it. It was the duty of Congress to know who to refer to, and who was responsible: but as, in this matter, no one was known, and as privileges or donations could not be granted to a mere name, he thought the Senate could not act upon the memorial. In continuance, he gave a slight glance at the history of the origin and the progress of the society, and alluded to the proceedings at the late meeting in the Representatives Hall, at which, he remarked, it had been stated that the object of the society was, to transport, annually, to Africa, 6,000 free blacks, which, it was said, would cost 1,040,000 dollars; and this was to be given, although, but a few days since, they could hardly afford to reduce a few hundred thousand dollars on the Salt tax. But he saw another object in all this, which must be connected with the colonization of the free blacks, and which he did not wish to touch upon. The free blacks, he thought, would be better where they were, than to send them to Africa, and he was opposed to the scheme. There was more designed by this application, than appeared on the face of it. It was an entering wedge, which he should oppose. He, therefore, moved that the memorial be laid on the table.

The Chair then observed, that it would refer the Senate to a rule by which discussion was prohibited on a question to be decided by the Chair. It ought to have been mentioned before. The decision of the Chair was, that no petition could be acted upon, unless signed, or written in the presence of the member, or unless the handwriting was avowed by the member presenting it. Such was the rule in Jefferson's manual.

Mr. CHAMBERS said he could not take it upon himself to aver it; and (after some further conversation on the subject,)

The papers were, for the present, withdrawn.

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On motion of Mr. BERRIEN, the bill to provide for the settlement of claims under the first article of the Treaty of Ghent, was taken up,

and having been read a second time, its objects and details were briefly explained by Mr. BERRIEN.

Mr. CHANDLER inquired what was the object of the provision in the 10th section, in relation to the investment of the fund in four per cent. stock.

Mr. HOLMES observed that, as it would be a considerable period before the sum would be paid to the claimants, it was considered desirable that the money should not lie unproductive.

Mr. CHAMBERS observed that the benefit would be derived by the claimants, who would receive their claims with interest.

Mr. KING objected to the power given to the Secretary of the Treasury, to invest the money in stock, as, when the claimants came, and demanded their respective amounts, where would the money be? It would be invested: and would they be satisfied to receive stock? The stock might at that time be depreciated; and, if they took it, instead of being gainers, they might lose by the investment. He was fearful that the money of the claimants would be swallowed up by the complicated means of transacting the business. He should prefer the simple process to all this machinery; and he was afraid that three Commissioners, with salaries of three thousand dollars, and a Secretary and Clerk, would rather impede than advance the interests of the claimants.

Mr. HOLMES said he had objected, like the gentleman from Alabama, to the Board of Commissioners. But that gentleman proposed no other method; and how then should they come at any improved mode? The money must be distributed, and it was necessary that somebody should be charged with that duty. The claimants themselves could not do it; and it was plain that somebody must be appointed. It had been proposed in the committee, to appoint but one Commissioner; but the question arose, whether the claimants would be satisfied with the decisions of one Commissioner; it was thought that they would not, and it was deemed better to appoint three, to serve for two years. It was now pretty well ascertained that the duties of the Commission would last about two years; and the question is, whether the money due these claimants, and now in the Bank of the United States, shall lie idle, or shall be employed in a productive manner; whether the United States shall take the money, and pay the claimants four per cent. for the use of it, or shall invest it in four per cent. stock? Of course, if the claimants are not hereafter willing to take the stock, the United States will pay them the money. It will not force them to take depreciated stock.

Mr. SMITH, of Maryland, had no idea of making the United States the parties in a petty stock operation. The bill was to give the claimants power to come to the Treasury and claim their dividends, and four per cent. upon them. Why was the Government to be involved in this

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trouble? It was never done to mercantile claimants, who never received the interest on their claims. The Government did not want to take this money as a loan; why, then, was this provision made, and why was it proposed to make a very difficult matter of one that was clear in itself? To remove this difficulty, he would move to strike out the last section of the bill.

Mr. SILSBEE thought, if the United States wanted the money, it would be perfectly proper to retain it in the Treasury, and pay an interest on it of four per cent.; but, should the Secretary of the Treasury invest the money in stock, and, when called for, that stock should be at a discount, would it not be productive of much difficulty and discontent?

Mr. BERRIEN said, that the gentleman who made the motion was mistaken. He had probably not read the bill. He seemed to suppose that the bill enforced upon the United States the alternative of either taking the money, and giving four per cent. interest, or of investing it in four per cent. stock. But it was not so. On the contrary, it left to the Secretary of the Treasury the choice of doing the one or the other, or neither, as he should see fit. Did the United States want the money? Then take it, and pay the four per cent. If they did not want it, then invest it in some stock that shall yield four per cent., and let the claimants have the benefit of it. The only object of this provision was, to make, if possible, some exertion of the powers of Congress for the benefit of these claimants, and, if possible, to the advantage of the United States. Why should the discretionary power be taken from the bill in which it was inserted for the benefit of the claimants, who had been long enough deprived of their property, and ought to be given every advantage possible? He would repeat, that it was not obligatory upon the United States to follow either of the courses pointed out. When the last section of this bill was framed, he (Mr. B.) was desirous to ensure this little boon to the claimants, in addition to the share they would receive on the division of the fund allotted for their payment. If the Senate approve of it, he should be gratified.

Mr. SMITH, of South Carolina, thought the 10th section ought to be stricken out. The United States did not want to loan the money: part of it had been already paid, and he had understood that the United States had commuted with the United States Bank for eleven per cent. Why should this be? Why not let the Commissioners give the interest and profit on this sum due the claimants to them? Why should not the Commissioners give to each claimant a draft on each branch bank of the State in which he resides, for the principal and interest in full, from the time the money was placed in the hands of the United States? The gentleman from Georgia had stated that the provision was not imperative; and that the course to be taken was discretionary. But, he believed, that, if

the provision was retained the claimants would receive their shares in stocks, and whether it was depreciated or not, was a chance which they would risk. Some immediate application ought to be made, as the claimants had lain out of their money ten years, and it seemed to him high time they should receive their money.

Mr. JOHNSTON, of Louisiana, commented at some length on this motion, observing that two plans had suggested themselves to the committee that reported this bill. One was to deposit the money in the Treasury, and employ it as well as possible, and the other, to invest it in some productive stock. A large sum of this money having already been paid to this Government by the British Minister, it was thought, as some time would elapse before it reached the claimants, in the mean time it had better be invested. For his own part, he had considered that a portion of the money paid over now, would be more acceptable than a delay until the whole of the claims should have been investigated. As the whole amount of the claims were about 1,500,000 dollars, and as 1,200,000 had been received, there could be no risk in paying 75 per cent. on the claims immediately; or, to put it lower, he thought even sixty per cent. in hand would be more satisfactory than to wait the final decision of the Commissioners. The whole of the claim was, as he had said, one million and a half; and, if the interest were computed, it would be about two millions and a half. But the claimants would be well satisfied with their principal. There were many difficulties in the way of this settlement. It would be very difficult to decide upon the number of slaves carried away; it would also be for the Commissioners to fix on what sort of evidence would be, in their view, satisfactory. This would cause a long period to elapse before the whole could be decided upon; and he had ascertained that, in the mean time, a part of the sum would be acceptable to the claimants.

Mr. SMITH, of South Carolina, inquired what the difference would be, whether the dollars were paid here, or in England?

Mr. SMITH, of Maryland, said that, if the dollars were obtained here, they would be worth 100 cents; while, in England, their value was 110 cents.

Mr. WHITE did not like the alternative in the 10th section. The course ought to be fixed on by Congress. Every officer of the Government should have, in all payments of money entrusted to him, some specific directions. They ought to know now whether this sum was for the use of the United States, or whether held in trust. If the money was laid out in stock would the claimants take it? If it was to be considered the money of the United States, then let them take it, and pay the claims with four per cent. interest, when the certificates were presented. If it was to be invested in stock, the section ought to provide for the sale of this stock. As to the Bank of the United States, he thought the Government and the



bank two distinct things. Suppose the bank had made a purchase of bills of exchange—whether from our Government or the British Minister, the bank had the benefit of it; it was a bank operation, and interested the United States no farther than as stockholders in the institution. If the Government made any thing he should entirely agree with the gentleman from South Carolina, that it ought to be paid to the claimants: but it was not so. He thought that the project of paying 70 per cent. was not practicable. It could not be done until the claims were all ascertained, as, until then, it was impossible to decide how much each one should receive. The definitive list did not, he believed, comprise all the claims. When they were fully decided upon, all the claimants would come forward and receive their proportions of the dividend. How much it would be, was uncertain; it might be 50, and it might be 100 per cent.; and, if it should pay the whole principal, and 20 per cent. interest, so much the better. He found no fault with the bill; if he had been disposed to recommend any thing, it would be that the old commissioner, who was well acquainted with all the details of the subject, and could, in a shorter time, settle the questions which would arise in this investigation of these claims, than persons unacquainted with them, should be re-appointed. He was very willing that the claimants should receive an interest on their money; but he did not approve of leaving the disposal of the money to the Secretary of the Treasury.

Mr. TAZEWELL said, that the motion to strike out the tenth section did not stand alone. There was another motion, which, although not now before the Senate, had been touched upon, and was, therefore, open to comment. He meant the proposition to pay 75 per cent. of the claims. What were the facts? The Government of Great Britain having acknowledged itself indebted, not to the Government, but to the citizens of the United States, the Government assumes the character of a receiver for those citizens. In discharge of the obligation, Great Britain had already paid a certain sum, and, no doubt, would pay more. It belongs to the United States to provide some method for paying this money, in just proportion, to the claimants. This bill was to provide for that distribution. He thought it encumbered with too much machinery, which he would notice hereafter. It was supposed that the claims could not all be settled until by the end of next Congress; and, meanwhile, it was proposed that the money should be invested. During that period, the United States would have this large sum of money in the Treasury, in which they have no direct interest; and, really, it could not be doubted that justice would dictate its being applied so as to produce a profit to the claimants. This was the course pointed out in courts of justice in every part of the world, and was founded on principles of justice, that, where money was in the

hands of the court, and it was ascertained who was the rightful owner, it should not be kept unproductive, but should be so applied as was best for the interest of the person who should finally be decided to be its owner. The principle, then, was plain, and the question was, how should it be applied? Could it be employed by the United States? He believed there was no doubt that it could; there was, he believed, three millions of the public debt due; and why not pay it? Why not apply this money for our own purposes, and then pay to the claimants the interest for its use? Or, why not lay it out for stock of the Bank of the United States, and redeem it at six per cent.? Thus, the Government would make two per cent., and four per cent. would be made for the claimants. Indeed, he thought the interest to be paid them might be put higher. The Government were borrowing money at five per cent.; and, it seemed to him, that it would be peculiarly hard if they could allow but four per cent. on this money, which might be looked upon as a kind of forced loan. But, it had been said, that it would be beneficial to the claimants, to give them sixty per cent. on their claims, at once. He should be willing to agree to this, if he thought so; but, it appeared to him, that it would be rather injurious than beneficial, if it was at all practicable. It certainly appeared to him that this would be productive of partiality, and consequent discontent. The payment of the claims would then be according to chance, or, perhaps, the caprice of the Commissioners. The claims would not come in at the same time; as they were presented, they would be docketed; and why should one be paid his claim eighteen months before the other, merely because, by chance, it was on the first part of the docket? Besides, Mr. T. thought, with the gentleman from Tennessee, that it was entirely uncertain what the amount to be paid might be; and, it might happen, after all the claims were presented, that the claimants would not be entitled to more than thirty per cent. And, suppose one claimant were to apply at an early period, and obtain his seventy-five per cent., while, afterwards, it should turn out that they had paid him more than his share, how could it be forced from him? He would argue that he had a vested right in the money which they had paid him, under an act of Congress, and that he neither could, nor would, refund the money. The gentleman from Louisiana had said, that the amount was ascertained; and that a certain portion could safely be paid now. But it was not so. He knew that \$1,500,000 made the whole of the definitive list; but, in the bill, as well as in the treaties, there was a provision for claims not included in that list. He did not know what their amount would be: it might be large, and it might be small; but it certainly was not safe to put them out of view, in paying, summarily, a portion of the fund to those claimants now known. A great

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many questions, of serious import, would require settlement by the Board of Commissioners, before a single certificate could be issued. These reasons induced him to oppose the motion to strike out the tenth section; and, as to the payment of seventy-five per cent., he could easily see that it would be of great advantage to those who would be paid first; and, as easily, that it would be great injustice to the other claimants.

Mr. HOLMES said, that the case, to him, appeared a very clear one. The section did not enjoin it as a duty upon the Secretary of the Treasury to invest the money in four per cent. stocks, but left it to the discretion of that officer, either so to invest it, or, if the United States retained it, the Government were to pay the 4 per cent. As the gentleman from Virginia had said, it was an established usage, where money was held in trust by public authorities, to apply it in such a manner as to yield an interest to the owner. Why, then, should it not be done? It was of no importance, and not worth disputing about, that the United States received a profit, so that the claimants received the four per cent.

Mr. TAZEWELL said, that when the Convention had been appointed by the Emperor Alexander, a definitive list was to be presented. But many *bona fide* claimants were not, through error, or some other reason, included in the list; and the Government of Great Britain would not include in the treaty any person not named in that list. One of these cases was that of a gentleman of New Orleans. The treaty lately made, did, however, make provision for those not included in the list. Thus it was highly improper to make any disposition of this matter, until the Commissioners had decided on the full amount of the claims.

After a few observations from Messrs CHAMBERS, and SMITH, of Maryland, the question on striking out the tenth section, was taken, and negatived—16 to 21.

Mr. TAZEWELL moved to strike out the word *three*, and to insert in its stead the word *one*; providing for the appointment of one Commissioner, instead of three.

Mr. T. said that he did not see the necessity of all the machinery that had been attached to the bill. The difficulties attending the object to be effected by it were only increased, as a multiplication of screws and pulleys always increased the friction of the machinery, and consequently lessened the power of the machine. He did not conceive that three men were necessary to settle what had been mainly settled already. And they would delay very essentially the final adjustment. It was his opinion that the American Commissioner employed to settle the claims thus far—who had examined them, and must be more or less acquainted with the nature of each one, would be the most fit person to perform this duty, and would do it to the more perfect satisfaction of the parties interested, and of the Government. If

this proposition was agreed to, he should follow it up by proposing to strike out the other unnecessary wheels and pulleys, which now clogged the operation of the bill. In one word, he had no desire to appoint, in any case, a greater number of officers to perform a duty, than were necessary. When large salaries were paid, he thought at least economy might be used in the number of officers to be appointed. By adopting his amendment, and dispensing with two Commissioners, with salaries of three thousand dollars, six thousand dollars would be saved, and he thought the services would be as well, if not better performed.

Mr. WHITE thought, if the American Commissioner was appointed, the whole subject would be satisfactorily arranged. It had been said by the member from Georgia, that delay was the price that must be paid for justice; to a certain extent, he agreed that it was so; but he was of opinion that three Commissioners, instead of one, would be of so little advantage, as not to outweigh the consideration of the additional expense. As to appeals to Congress in case of dissatisfaction, it did not appear probable that it would be at all increased or diminished in one case or the other. Whether three Commissioners or one was appointed, persons who did not succeed in obtaining their demands, would appeal to Congress. It was always the case. There was never a Commission from which disappointed claimants did not appeal. It was, however, objected, that the appointment of one Commissioner, in this case, would not give the claimant the same privileges as were enjoyed by citizens in other cases. But he need only remind the Senate that one man had had, in certain cases, the keeping and disposition of the enormous sums entrusted to the United States Courts, in nine States, and decided on all high criminal cases without appeal. He thought the trust in this case no more dangerous than in others, and he was disposed, therefore, to fall in with the motion. He believed the principles on which the adjudications were to be made, were established in times past, and that there would be no great difficulty, except in the hearing of testimony. He should make no proposition; but would merely inquire whether, in the case of the appointment of three Commissioners, two could not act, if there should be no necessity for the services of the third. He thought, however, that one would be competent to do all that would be required.

The question on Mr. TAZEWELL's amendment was then taken, and decided in the affirmative, 19 to 18.

Mr. TAZEWELL then moved the further amendment of the bill, by striking out the word *Secretary*, so that the appointments should be confined to one Commissioner and one clerk. He observed, he did not see the necessity of such an officer; and he was sure, if one was appointed, the clerk would be obliged to do all the business.

The motion was then put, and carried, and the bill was ordered to a third reading.

THURSDAY, February 8.

*Claims for Deported Slaves.*

The bill to provide for the adjustment of claims of persons entitled to indemnification under the first article of the treaty of Ghent, &c., was read the third time.

Mr. HARRISON said that, when the bill was first introduced, it made provision for the appointment of three Commissioners. An amendment was however adopted, yesterday, which reduced the number to one; and, as the duty and responsibility must be much greater, he thought it but justice that the compensation should be increased, also. No doubt could be entertained that the duties would be much enhanced by the alteration. It had also been intimated that the appointment was likely to fall on a gentleman who stood high in his country's honor and confidence. And he would ask whether the Senate would enjoin on that individual to accept this office with a small compensation? for delicacy might prevent him from declining it, on account of the narrowness of the salary. He then moved to recommit the bill to the Judiciary Committee, with instructions to make the compensation *four*, instead of three thousand dollars per annum.

Mr. JOHNSTON, of Louisiana, sustained the motion; and made some explanations as to the claims mentioned yesterday, not included in the definitive list, but alluded to in the treaty, which he also moved to submit to the committee.

Mr. TAZEWELL said, that his recollection corresponded with the explanation made by the Senator from Louisiana. The definitive list proper was the list containing all the claims, nor were those which were omitted by mistake when the list was made out, by any means to be excluded. He had no objection to recommit the bill on this ground. He was also in favor of raising the salary of the Commissioner; and had no objection, since the office of Secretary had been stricken from the bill, to increase the salary of the clerk, whose labor would be greater. He also thought the 10th section might be submitted to the attention of the committee, to be altered should they see fit. On all these grounds he should be in favor of having the bill recommitted generally.

Mr. HARRISON then varied his motion, and moved a general re-commitment of the bill.

Mr. JOHNSTON, of Louisiana, suggested, that an additional clerk, to copy the papers of the claimants, would be found absolutely necessary.

The Senate then adopted the motion to recommit.

FRIDAY, February 9.

*The Colonization Society.*

Mr. CHAMBERS presented the memorial of the Colonization Society, for aid in its objects, and moved its reference to a Select Committee.

Mr. C. said, when he had, two days since, offered this memorial, a question of order, made by the Senator from Alabama, (Mr. KING,) had prevented him from having opportunity to say one word in answer to the remarks which were made by both the gentlemen from South Carolina. The question of order was now at rest—the demand of the rule, as announced by the President, having been gratified by the signature of the distinguished individual who presided over the society; and he had now availed himself of the first moment to bring the subject again to the notice of the Senate. He had not, he said, anticipated discussion at this incipient stage of the proceeding, and he believed the assertion might be safely made, that, on no other occasion when he had been in the Senate, had there been an attempt to discuss the merits of an appeal to this body on the presentation of a memorial. He could not perceive the reasons for a deviation from the usual course, or why the friends of the measure were not permitted to present to the Senate the facts connected with it, before they were called upon to answer to charges; but the gentleman from South Carolina (Mr. HAYNE) had the right to select, and had selected, his own course; and it was now his duty, Mr. C. said, to vindicate the objects of the society, and to enforce their claims upon the attention and patronage of Congress. He claimed the liberty of correcting, at the outset, the error into which both the Senators from South Carolina had been betrayed, when they charged upon the society ulterior views, inimical to the Southern or slaveholding States, and hostile to the tenure by which citizens of those States held their property. The society indulged no such views—he felt authorized, in the name of its members, to disclaim them. If such purposes had been entertained, the society could not have selected an agent less willing than himself to effect them. He was willing to go as far as any man in the doctrine of the exclusive rights of the slaveholding States upon this subject, and in denying the power of Congress to touch their rights to this property coercively. Upon this subject, the official declarations of the society announced invariably, and on all occasions, the same doctrines which he had avowed. There might be, and it was not his wish to be understood to deny there were, individuals who were governed by different considerations, who did look to ulterior objects, and who had a false and erroneous view of the motives and purposes of the society. It would be matter of infinite surprise if such persons were not to be found; and where, or when, he would ask, had a great question been agitated until it excited the feelings and enlisted the partialities of one large mass of the community, and the prejudices of another, without producing precisely the same result? For the mistaken opinions of such individuals, if such there were, he did not hold the society responsible. But for themselves, acting by

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their accredited agents, in official documents and on all occasions when a formal exposure of their objects had been proper, they had been prompt and explicit in their avowal. In this memorial, "the constitutional and legitimate existence of slavery is admitted," and the avowal distinctly made, "that the Government of the Union has never been looked to as the proper or authorized instrument for effecting its removal." These are not declarations made to suit the occasion—they are consistent with all their official and acknowledged professions and acts. The true and undisguised objects of the society, as distinctly announced in this memorial, is "the removal, to the coast of Africa, with their own consent, of such people of color, within the United States, as are already free, and of such others as the humanity of individuals, and the laws of the different States, may hereafter liberate;" and with the conviction that this object cannot fail to be considered of deep and general interest, they present their history and their situation to your notice, invoke your aid, and submit to your wisdom the suggestion and application of the means necessary to accomplish it.

The gentleman from South Carolina, on his left, (Mr. HAYNE,) had denounced this as a visionary and chimerical project. He (Mr. C.) had indulged the hope that the exalted character and distinguished intelligence of the individuals who had been connected with the society, would have restrained the gentleman from this sweeping denunciation. He need not mention to that gentleman, or to the Senate, the names of these individuals—they were high in the confidence of the nation; men who had acquired fame in every department of the Government; who had graced your senates, your courts, your pulpits, as well as those who, in private life, had invited and deserved the respect and esteem of all who knew them. Amongst these, he would say, were very many whose education, habits of thinking, and interests, would make them of all men least likely to promote an object which would loosen the bonds by which the citizens of the South held their property. If the names of illustrious individuals could not rescue the society from the reproach of the Senator from South Carolina, he would remind that gentleman of the countenance it had received from nine or ten of the States of this Union; and if nothing could avert the determined purpose of the Senator from South Carolina, he was willing to be ranked amongst the visionary men who had been fascinated by this chimera.

The Senator from South Carolina had arraigned the conduct of the agent of the society, Dr. Ashmun, and had referred to the documents from the Navy Department for proof. It was not the time or the occasion to go into the merits of these transactions; but he must be allowed to say, the whole affair had been placed in the most glowing colors by the gentleman's fancy and his wit. The plain narra-

tive would not, he thought, place the conduct of Dr. Ashmun in a view so censurable or so ridiculous as it had been represented. Dr. Ashmun was the agent of the Government, as also the agent of the society. The act of 3d March, 1819, had authorized the Government to take care of, and return to their country, such Africans as were unlawfully imported or captured in vessels engaged in the slave trade. In virtue of that law, an agency had been established at Liberia. In his person, Dr. Ashmun united the various offices of civil and Military Governor of the colony, and agent under the Government for the safe keeping of captured Africans. As the responsible head of the colony, it was his duty to use all the measures necessary for its protection against all, whose acts were likely to endanger its existence, its peace, or its prosperity, whether they were the neighboring native tribes, or piratical visitors, or others. The first act of imputed misconduct was, the destruction of a Spanish factory at Digby. The facts are, that a Spanish slave ship had fired upon, boarded, taken possession of, and removed from her moorings, an English brig, a well-known trader, engaged in lawful commerce at Cape Mesurado, and then at anchor in the Roads, and finally plundered the brig of her anchor, and a variety of articles from her cabin and deck; the robbery was clearly, according to the strictest rules of law, an act of piracy. Complaint being made to Dr. Ashmun, he selected a force from his two military companies, and the Spanish schooner having escaped, he pursued the property which the pirates were known to have in a factory on the shore, and, having possessed himself of the property, destroyed the factory.

The second transaction, alluded to by the gentleman, (Mr. HAYNE,) was the destruction of the French factory on the St. Paul's. Four of the natives who had been found at Digby, and brought into the colony, had left the establishment, and found their way into the immense woody region, extending into the interior of the country, with every prospect of either perishing, or becoming victims to the avarice of the slave dealers. After the lapse of a month of fruitless effort to discover them, Dr. Ashmun learned they were loaded with chains in this French factory, and held as slaves. They were demanded once and again, and the answer to the demand was a written declaration that they should not be delivered up. A French schooner was lying near, prepared to receive slaves. In this emergency, Dr. Ashmun despatched two boats, with an armed force, ascended the Stockton River, broke up the factory, and brought off the slaves confined in it, to the number of forty-three men, thirteen women, and forty-three children. This factory, it should be recollected, was within the territorial limits and jurisdiction of the colony.

The last transaction which has been the subject of animadversion, was the destruction of

Trade Town; the particulars of which are furnished by Captain Chase, late commander of a Colombian armed schooner, who is said to be a highly honorable man. He states that the inhabitants of the town had seduced about thirty free blacks from the colony, and had sold them to Spanish and French slave traders; that these seduced colonists were frequently demanded by Dr. Ashmun, with a threat to use force, if necessary; that the threats were not only disregarded, but the depredations on the colony were continued; that these facts being made known to Captain Chase and to Captain Cothell, commanding a Colombian brig of war, they consented to assist Mr. Ashmun, in an expedition to the town. As they approached the shore, they were fired at from the French and Spanish factories, although the Colonial flag was hoisted in Mr. Ashmun's boat. The landing was effected, and the factories were taken possession of. Mr. Ashmun addressed a note to the head man of the tribe, informing him that his object was to regain his colonists, promising a cessation of all hostilities, if they were peaceably surrendered, and threatening destruction to his town if they should be withheld. The delivery of the colonists and a number of natives, held as slaves, was promised by the head man, but delay was used in completing his engagement, until an armed force of not less than two or three thousand men were collected, who were not finally subdued until the armed vessels were brought to bear, and fired several broadsides. The town was then destroyed. This is the history of the facts, which, with the decorations contributed by the fancy and wit of the gentleman, have been held up to the Senate as a spectacle fit not only to be gravely censured, but to be ridiculed. It had been denied that Dr. Ashmun could find warrant for these proceedings, in any power derived to him as agent for the Government. Mr. C. said he did not contend for any other authority on the part of Dr. Ashmun, as the agent of the Government, than that admitted by the Secretary of the Navy. If the recaptured Africans, delivered at his agency, were taken from him, and about to be sold into slavery, he could promptly use the means necessary to rescue them. Mr. Ashmun, however, had other and higher powers than those conferred on him by the Government. As the civil and military head of the community, he owed protection to the lawful commerce of all who visited his colony. As the protector of the colony, he was bound to use the means in his control to rescue its citizens when taken captive, and to secure them against the dangers to be apprehended from lawless and piratical aggressors. Mr. Ashmun defends himself on these grounds, and appeals for his vindication to the broad principles of the laws of nature and of nations, which confer the right of self-defence upon individuals and upon communities. He was alone, unaided by wise counsels, and surrounded by lawless pirates,

capable of any outrage. When the total destruction of his colony and the loss of life, certainly perpetual bondage, was the inevitable result to his subjects of an unfavorable issue to the hazard, perhaps a very nice and exact calculation of chances ought not to be expected. At a distance from the scene, and in retrospect, Mr. C. said he did think the danger had been magnified, and that the means of prevention applied, were not fully justified; but he should do injustice to Dr. Ashmun, did he not acquit that gentleman from all intentional error. He thought it probable there were very few men, however intelligent and discreet, who, with the same causes for excitement, and under the same circumstances, would have avoided the same error; and he certainly believed him to have been influenced by the best and purest motives, and so did the society, when, at their last annual meeting, they passed the vote of approbation which had been spoken of. The remarks he had just made, were in reference to the destruction of the factory at Digby, and the seizure of the slaves confined there. He did not think that proceeding absolutely necessary, and he believed he was authorized in saying such was the opinion of the society, when this specific subject had been before them, and Mr. Ashmun had been so informed by the managers of the society.

The destruction of the factory on the St. Paul's, established immediately in the vicinity of the capital of the colony, and on its acknowledged territory, and in open violation of its laws, for the avowed purpose of carrying on the slave trade, was, in every view of the subject which he could take, perfectly justified; nay, it was a duty. Not less so was the proceeding at Trade Town; all the previous transactions there having been notoriously piratical, and the conduct of its chief and its citizens having furnished just cause of war.

So much in justice to Mr. Ashmun. But how does this affect the question before the Senate? The Government has said to him that the destruction of the factories was not within the limit of the authority conferred upon him as agent, and another agent had been appointed. The society had the power to examine and decide upon his conduct so far as he had acted for them, and if dissatisfied, they, too, could select another representative. It had been said the society wished to transfer the colony to the United States, to be taken under its protection as a colony, contrary to the known policy of the Government; and that the society, apprehensive of a war, provoked by the misconduct of Mr. Ashmun, now sought protection from the military power of the Government. Nothing could be more remote from the views of the society. They have no desire to draw the Government into a war to protect a distant colony; they had no apprehension of an attack upon themselves. No civilized power, it was believed, would lend an ear to the clamors of that odious class of

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men who alone could urge complaint. The laws of nature denounced the slave trade; it was abhorrent to the feelings of humanity, and had been made highly penal by almost every Christian Government on the globe. The owners of the demolished factories then could never move the French or Spanish Governments to assume the attitude of war in vindication of their claims to prosecute this base traffic. The society could not perceive cause of apprehension from foreign war. In regard to the natives, the colony possessed all the necessary means of self-protection. The local militia, which had been so contemptuously spoken of, were in fact well organized, well disciplined, well officered, and efficient. Their supply of arms and munitions was inadequate to their numbers and means of applying them, as was the case in some other countries, but, small as they were, no fears were entertained for the result of any attack from the natives.

It has also been said, that there were constitutional objections to legislation by Congress on this subject. This must of course depend upon the measure proposed for our adoption. It is not possible now to anticipate what may be recommended by the committee which you are asked to appoint. There certainly are means of aiding the colony, which involve, it would seem, no constitutional difficulties. To invoke the interposition of foreign powers, to prohibit the access of slave ships to that part of the western coast of Africa in the vicinity of the colony, might materially promote its interests, and yet, he supposed no constitutional objection would prevent our recommending such a measure. Others might be suggested, and no doubt the committee would properly estimate this consideration. He could not, however, avoid the remark, that a direct appropriation of money by Congress would certainly find high authority, as well as precedent, to justify it. The Caracas—the New Madrid—the very late Alexandria appropriations, were not, perhaps, easily justified by any principle of the constitution which would exclude this. To all these objections, however, it may be remarked, that the memorial, in respectful and decorous terms, asks a hearing. Let the request be treated with the same attention which all others receive—let the facts be ascertained—let the objects of the society be fairly stated, and the case fully presented—the various modes of practicable aid suggested—the advantages from their successful application, enumerated—the constitutional difficulties which oppose them examined—and then the Senate will be able to appreciate the arguments for and against any proposition that may be submitted.

The gentleman from South Carolina has said it is too late in the session to mature any measure which can grow out of this memorial. He was aware of the difficulty, but he would use the authority of the gentleman himself, to show that this fact, assuming it to exist, should not prevent the action of the Senate, to the

extent now asked for. At the last session, the gentleman, after devoting much labor and attention to a favorite subject, had brought it to the notice of the Senate at a very late period, and, if his recollection did not mislead him, had proposed its discussion, for the avowed purpose of inviting the attention of members, as well as the attention of the community, that it might be finally acted on at the present session. He did not find fault with the gentleman: on the contrary, he commended his whole course, and had gone with him in supporting the Bankrupt Bill, and sincerely regretted the decision of the Senate on that subject. But, important as he admitted the Bankrupt Bill to be, in its influence on the country, he must claim permission to think the subject to which this memorial refers, more interesting to the peace and happiness of the people of the United States. He knew no question, not immediately involving the very existence of the Government, which ought to excite so deeply the anxious reflection of every patriot. That part of the population of the States which it was the object of the society to remove, was a degraded, miserable race of beings. Claiming no political rights themselves, they are incapable of appreciating those great principles on which all our institutions are based—excluded, by the indelible distinctions impressed by the Author of their being, from their rank in social life, which is the reward and the stimulus of high moral and intellectual acquirement, they find no motive for the cultivation of virtue, and abandon themselves to the indulgence of the worst passions of the human breast. They are not, cannot, be citizens of your country—they do not add to your physical energies—they do not effect the legitimate object of any one appropriate class of a well-organized community—they are any thing but a laboring class. It were well did they only present a negative character. The reverse was too well known. They not only are the drones and moths of your society—who occupy the place, and exclude the presence, of a laboring, hardy, useful, and moral class of white men, actuated by a common attachment and devotion to your country, its constitution, and its laws, the beneficent protection of which they would feel, and the highest honors of which they would consider accessible to merit, in whatever garb—but your free blacks exert the most deleterious influence on every class, and almost every individual in society. The corrupting poison of their example, and their habits, has infected our slaves, and made them indolent and immoral; its impulse is to be traced on the lower orders of our citizens; it insinuates itself into our domestic circles, into the early habits of our children, and is felt in all our relations in life; and shall we be told that a proposed remedy for these evils is to be lightly considered? We should hail, as the best benefaction to our country, the advent of that scheme which shall present the means of escape from the

mischiefs which we now feel, and from dangers, the magnitude of which, at a coming period, no man can permit himself duly to estimate.

You are advised, by intelligent and discreet men, whose lives have been devoted to the consideration of this subject, that the plan now proposed will probably remove, certainly lessen, these evils. You are advised that the means of accomplishing the plan are in the power and under the legal control of Congress. If authority be required to sanction such opinions, you have it in the deliberate and formal decisions of the Legislatures of a large proportion of the States of this Union—States in which slavery is allowed, and States in which it is not allowed. The States of Virginia, Maryland, Kentucky, and Tennessee, have each made a legislative declaration of their views upon this subject. Georgia has so far expressed an opinion, in that she has directed the captive Africans, who, by former laws of Congress, were placed at the disposal of the State, to be delivered to this Colonization Society, to be sent to Africa. In some of the resolutions passed by the States, you have a distinct reference to the system of colonizing these people under the patronage of the General Government. In giving authority upon this subject, it would be injustice to the society, it would be injustice to the great cause in which they are embarked, and also to the memory of the illustrious patriarch himself, to withhold the sanction of a name which could never have been connected with a project subversive of the rights of our Southern brethren, or involving an infraction of constitutional law. Mr. C. here read from a letter of Mr. Jefferson, dated in 1811, the following extracts: "You have asked my opinion on the proposition of Ann Mifflin, to take measures for procuring, on the coast of Africa, an establishment to which the people of color of these States might from time to time be colonized, under the auspices of different Governments. Having long ago made up my mind on this subject, I have no hesitation in saying, that I have ever thought that the most desirable measure which could be adopted for gradually drawing off this part of our population. Most advantageous for them as well as for us. \* \* \* \* You inquired, further, whether I would use any endeavors to procure such an establishment security against violence from other powers. Certainly, I shall be willing to do any thing to give it effect and safety. But I am but a private individual, &c. Whereas, the National Government can address themselves at once to those of Europe, to obtain the desired security, and will unquestionably be ready to exert its influence with those nations to effect an object so benevolent in itself, and so important to a great portion of its constituents. Indeed, nothing is more to be wished than that the United States would themselves undertake to make such an establishment on the coast of Africa."

Was the Senate prepared to unite with the Senator from South Carolina, in denouncing a system thus recommended to their consideration? To reject, without affording themselves opportunity to learn facts, an appeal to the Government for necessary aid to promote an object dear to the best feelings of a large portion of our citizens—an object, on the prosecution of which was suspended the high hopes and anxious anticipations of those who looked with fearful apprehensions to the final results of that unnatural combination in our community of such heterogeneous materials? We are furnished with data on which detailed estimates have been framed, by intelligent and distinguished men, to demonstrate the practicability of the scheme. The annual increase of free blacks is believed to be less than six thousand; the experience of the society has proved that the cost of transportation does not now exceed twenty dollars for each person; and when the rapidly growing commerce of the colony shall present the inducement, which a very few years of continued patronage will ensure, the cost will be materially lessened. By this trifling expenditure, it is in our power to arrest, effectually, the growth and increase of this alarming evil. Future years will find us with enlarged views and increased means, and future experience of the salutary influence of the system will make us ardent in its prosecution, with all the facilities and improvements which it will disclose. And here he begged leave to remark that, when a great and alarming evil was felt and acknowledged, dangerous to the tranquillity and moral order of society, and when a remedy was proposed by men, eminent for every virtue which could adorn the patriot and philanthropist, it did appear to him that a denunciation of the remedy proposed should be accompanied with the tender of some other and better mode of relief. Was this the case? What plan was proposed in lieu of that now offered? None. The whole body politic was diseased; parts of it paralyzed; the causes of this malady still exist, and alarming apprehensions of a fatal termination are expressed by intelligent men, who have deeply and anxiously studied the case, unless a particular course of practice is pursued—and we are told not to listen to their opinions. Does not the question immediately occur, What then is to be done? This question has been asked and repeated with all the solicitude of a suffering patient, in the agony of distress, but no consolatory answer has ever reached our impatient ears.

Mr. C. said he had before him sundry documents to sustain the several facts he had asserted, and copies of the resolutions of the States he had referred to, which he had declined reading, because he was unwilling to waste more of the valuable time of the Senate; and he should conclude by remarking, that, assuming all the purposes of the society to be chimerical, and all the hopes of its friends to be delusive and visionary, as they had been



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charged to be; assuming that Congress cannot, or will not, extend the aid they ask; yet he claimed for them the usual courtesy of a hearing by a committee, on whose report the Senate should announce its final decision.

Mr. HAYNE rose, in reply to Mr. CHAMBERS, and said, he must repeat the expression of his deep regret that this petition should be forced on the consideration of the Senate at this time. I had indulged the hope, sir, when it was withdrawn, two days ago, that we should hear no more of it, at least during the present session. I stand prepared, however, to resist the application at all times, and under all circumstances; and, especially, when it comes before this body in such a questionable shape, and under circumstances calculated, if not intended, to forestall public opinion, by precluding a full and fair inquiry into the merits of the application. The gentleman from Maryland had complained of the course taken in relation to this petition. He had asked if it was usual to meet a petition, coming from any respectable quarter, by refusing even to refer it to a committee. Without intending any disrespect towards that gentleman, I must be permitted to say, that we have just cause of complaint at the course which the Colonization Society have thought proper to pursue in this matter—a course, liable, as it appears to me, to the strongest reprobation. For two years past, as I am informed, have this society, at their annual meeting in this city, adopted a resolution, directing an application to Congress; but, while we were anxiously looking for the attack, not unprepared to meet it, no petition was presented. At the last meeting, however, held in this city, on the 20th of the past month, the following resolution, proposed by a gentleman high in office, (Mr. CLAY,) who made a speech in its favor, which has been published and extensively circulated, was unanimously adopted, viz:

“Resolved, That the Board of Managers be empowered and directed, at such time or times as may seem to them expedient, to make respectful application to the Congress of the United States, and to the Legislatures of the different States, for such pecuniary aid, in furtherance of the objects of the society, as they may respectively be pleased to grant.”

The moment this resolution was adopted, I became satisfied that the subject would, at length, come before Congress, not for a final decision, but in such a form as to obtain, if possible, a victory without a battle. The direction contained in that resolution, to select a favorable time to present the subject to the consideration of Congress, and the State Legislatures, it was obvious, might be so used as to produce a most decisive effect on public opinion, without affording an opportunity for opposition. By watching an opportunity, such a petition might be introduced at a moment when it could not be thoroughly examined—it might be referred to a select committee, (which, according to Parliamentary rule, must be composed of its friends,) and, at the last day of the

session, a report might be obtained, to be printed and circulated without the opportunity being afforded of examining it, and counteracting its deleterious effects, here, or elsewhere. A lodgment might thus be made in the public mind, by the friends of this measure, from which it would be extremely difficult hereafter to dispossess them. Now, sir, whatever may be the design of gentlemen, their course on this occasion leads directly and inevitably to these results. The petition has been brought forward at the close of a very busy session, when our tables are already groaning under the weight of several hundred bills, and when (as the gentleman from Maryland himself acknowledges) it is not intended to act on the subject, further than to refer it to a select committee, and to obtain a report, (favorable, of course,) to be disseminated at the public expense, throughout the country. The gentleman thinks this is a very fair and usual course, and says it is that which we pursued last year in relation to the Bankrupt Bill. In this he is mistaken. The Bankrupt Bill was reported on, and debated last year, in the hope that it would then have been finally acted on; nor was it abandoned until that hope had vanished. The usual and proper course on this subject, is, to send to a select committee of its friends, any measure where there is a general opinion favorable to the object, in order to enable them to present it in its best form; but never has such a reference been allowed, where novel or dangerous measures are proposed, or where there are great and irreconcilable differences of opinion on the subject. Sir, there is a portion of this House—I trust, and confidently believe, a decided majority—who are altogether opposed to the objects of this petition. Some of us believe that these objects are extremely dangerous to the peace and safety of this Union; and it is preposterous to suppose that we should consent to a course being taken with respect to it, the only, the almost avowed object of which is, to forestall public opinion, and to infuse a poison into the public mind, under the color of our authority, to which it may not be in our power to apply an antidote, and which may produce hereafter the most fatal consequences. Entertaining this opinion we are bound to protest against the course pursued by the Colonization Society, on the present occasion. We are bound to resist the reference of this subject to a committee of its friends, or to any committee, when it is acknowledged that it is not even expected that we should now act upon it definitively.

The gentleman from Maryland denies that it is the present object of the Colonization Society to induce Congress to establish a colony on the coast of Africa, or to appropriate money for that object. Sir, I speak from the language and plain import of the petition itself, which is perfectly clear and explicit on that subject. The tenor of that petition is, that the society find that they cannot command the pecuniary



means from private resources to accomplish the objects of the society; that they cannot govern with sufficient wisdom and energy, a colony so far off, and composed of such discordant materials; and, therefore, they pray for the interposition of the authority of this Government, and the application of the national resources to this object. I will quote a part of the memorial itself, to put this matter beyond doubt:

"But the period has at length arrived when the society would no longer be justified in relying on its own limited resources for accomplishing what yet remains of its patriotic undertaking.

"The Colony that has been settled, small as it is, is yet too large to be governed by a distant and unincorporated society. If the acknowledged imperfections of human nature, and the uniform history of mankind, did not evince the dangers necessarily connected with the sudden transition of any people from a state of moral and political degradation to one of unqualified freedom, the experience of the British Colony at Sierra Leone would sufficiently demonstrate how utterly fallacious must be all reliance on political restrictions, deriving their only sanction from the voluntary submission of a population such as that of which the Colony at Liberia will be composed. And if, with these evidences before it, the society should leave its infant settlement to the inadequate protection to be derived from its own resources, it would be justly chargeable with all the evils that must necessarily result from the defective powers of control with which it is invested.

"In reference, too, to the great objects to be accomplished, it is now time to look to other means than such as can be supplied by individual charity. The extent to which reliance may be placed on this resource, has been, in a great measure, ascertained; and if, at the very commencement of the undertaking, aided as it has been by all the charms of novelty, means have been furnished for removing only a few hundred out of the many thousands that are annually added to the free colored population of the country, it is obvious that a further dependence on this resource would be little less than an abandonment of the enterprise. The evil to be removed is continually increasing, while the means for its removal are proportionably diminished; and, with every exertion on the part of the Colonization Society, unless access can be had to other resources, each succeeding year must find it more remote from the object of its pursuit. Under these circumstances, the society has felt itself justified in asking the immediate and effectual interposition of the Government of the country. The object it proposes to accomplish, is the removal to the coast of Africa, with their own consent, of such people of color, within the United States, as are already free, and of such others as the humanity of individuals, and the laws of the different States, may hereafter liberate. Such an object, connected as it is with the justice, the humanity, and the welfare of our country, and calculated to elevate the character and to improve the condition of a very degraded portion of the human race, cannot fail to be considered as one of deep and general interest; and the wisdom of the National Legislature may be safely relied on for suggesting and applying the necessary means for its accomplishment."

Now, sir, every argument which I formerly urged against the adoption of the colonial system, and against the right and expediency of appropriating the public money for transporting persons of color to Africa, are directly applicable to this petition. I said then, that I did not propose, at this time, to discuss at large either of these great questions. My object is, to get rid of the subject; to dispose of it at least for the present session, merely stating the strong grounds of objection which had presented themselves to my mind. I shall not depart from that course now, except so far as may be necessary to answer the arguments urged on the other side. The gentleman from Maryland insists that the objects of the Colonization Society are purely benevolent; that, among its members, are the names of many distinguished men, and that they have no design whatever to interfere with the institutions or the property of the Southern States. As to the persons, sir, who compose the society, there are many for whom I entertain the most unfeigned respect. I believe they consist of several classes. There is a large and respectable class of paper members—men of high standing and reputation, whose names are used to grace the lists,—but who never attend the meetings of the society, or take any part in their proceedings—many of them now as much opposed to the society and its objects, as the gentleman (a member of this body) who told us last year, in a speech against the society, how his name came to be enrolled among its members. Another class consists of very benevolent gentlemen, whose philanthropy has induced them to engage in a scheme, which they hope may, in some degree, (though they do not clearly perceive how,) ameliorate the condition of the African race in this country.

There is still another class, sir, I fear, of men, (and what proportion they may bear to the whole, and what influence they may exercise over the proceedings of the society, it is not for me to say,) who are influenced by a love of popularity and distinction, and who seek all such occasions of bringing themselves before the public as the zealous advocates of any scheme which takes the popular ear for a day, or addresses itself to the sympathies of the people. Such men never hesitate to throw themselves on the popular tide, in the expectation of being carried safe to the haven of their hopes. To them it signifies little how dangerous the scheme may be, if they can attach to it the names of liberty or philanthropy.

Mr. Jefferson's name has been quoted, as if he had sanctioned this society. I was glad to be informed that the letter alluded to was written sixteen years ago, and could, therefore, have had no bearing on this society; which had then no existence, and which, I believe, he never countenanced, even so far as to become a paper member.

The gentleman from Maryland has vindicated the object of the society. I do not consider this a fit occasion to go at large into that sub-

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ject. The time may come when it will be my duty to do so, and I shall not shrink from the task. I trust, however, I shall be excused in saying a few words in reply to that gentleman, even at this time. He insists that it is not the wish or intention of the society to interfere with, or in any way disturb, the policy of the Southern States. So say the society. But, sir, facts speak stronger than professions. And what are the facts? Are not the members and agents of this society everywhere (even while disclaiming all such intentions) making proclamations that the end of their scheme is universal emancipation? Have we not heard their orators, at their meetings here, openly held under the eyes of Congress, asking whether, when all the free people of color are transported, we are to stop there; and answering their question by the avowal that the great work will be but then begun? Sir, let any man examine the whole scope and tendency of the reports and speeches made to this society, nay, of this very manifesto, published by their authority, and he must be dull of apprehension, if he does not perceive that the spirit which lurks beneath their fair professions, is hostile to the peace and best interests of the Southern States; and not the less so because it comes clothed in the garb of friendship, and with professions of peace and good will. Besides, sir, does not every Southern man know that, wherever the Colonization Society has invaded our country, a spirit of hostility to our institutions has instantly sprung up? This may be what the gentleman whose speech I have just quoted, calls "the collateral consequences" of the society's proceedings; for which he says the "society are not responsible."

But, sir, if gentlemen will do acts, and hold language, and encourage a spirit which must, of necessity, sow the seeds of sedition, and produce discord, it must be a strained construction which shall justify their conduct, because these consequences are "collateral" and "not direct." Look at the object expressly avowed in this petition: for the accomplishment of which, Congress is now called upon to furnish aid. "The object," say the petitioners, "is, the removal to the coast of Africa, with their own consent, of such people of color within the United States, as are already free, and such others as the humanity of individuals and the laws of the different States may hereafter liberate." Passing over the first part of this scheme, what would be the direct tendency and effect of the adoption of the policy recommended by the first clause of this sentence, by the Federal Government? The national funds are to be appropriated for the purpose of transporting such slaves as their owners may consent to emancipate for that purpose. If this be taken up as a national object; if we have the power and the inclination, and should resolve to appropriate the public money to this object, of course we would be at liberty to offer any temptation we please to induce the owners of

slaves to consent. It is useless to disguise the truth—if this policy should ever be adopted by this Government, they will go directly into the market as the purchasers of our slaves, for the purpose of emancipation and transportation. This is the point to which this policy directly and inevitably leads. Now, I will ask gentlemen to contemplate dispassionately the effect that is to be produced on the Southern States, by this Government being notoriously in the market, with its Treasury of \$20,000,000 or \$30,000,000, as the purchasers of our slaves, for the purpose of emancipation. Can you touch this mass of a now contented, happy, and useful class of beings, without disquieting their minds, creating dissatisfaction, destroying their usefulness, and bringing ruin on the whole community? Much has been already done to destroy the confidence and impair the mutual affection which has hitherto so happily subsisted between the master and his slave; but adopt this policy and it will be destroyed forever. Besides, sir, once bring this Government into the market as purchasers, and they will fix their own terms. Once admit the principle, and, in its application, it must inevitably lead to divesting us of our property, on such terms as Congress may choose to prescribe; the insidious movements of Colonization and Abolition Societies, the distribution of political tracts, and a few incendiary resolutions, introduced into Congress and the State Legislatures, (events which have, in part, occurred even in our own time,) will reduce the value of our property to any standard this Government chooses to prescribe. So it has been in the West Indies, and so it will be here. I am informed by a gentleman who has lived many years in the West Indies, that, by the perpetual agitation of this question in Great Britain, in and out of Parliament, lands in that country have been reduced to less than half their value; and slaves to ten pounds per head; and should the British Government choose to purchase them, it will be the easiest thing in nature so to shake the public confidence in that species of property, as to reduce their value to nothing.

In this view of the subject, can any man be so blind as not to see and feel the dangerous tendency of the measures recommended to us by this society? Sir, the truth cannot be disguised—it must be told. The only safety of the Southern States is to be found in the want of power on the part of the Federal Government to touch the subject at all. Thank God, the constitution gives them no power to engage in the work of colonization, or to interfere with our institutions, either for good or for evil. This is the very "Ark of the Covenant," in which alone we will find safety.

I have said, sir, that the whole scheme of the society is altogether visionary and impracticable. Without going fully into the argument, I will offer one illustration of it. In the speech made in the society, in support of this application to Congress, the views of the soci-

ety are explained, and, I presume, it will not be considered unfair to try the society by the test of the deliberate opinion expressed by one of their high officers, in a speech made in support of this very application to Congress, printed at the request of the society, and extensively circulated. In the sixth page of this speech, it is explicitly stated, "that the true nature of the evil," (for which it is the object of the society to provide a "remedy,") is "not that there are some, but that there are so many among us of a different caste." "That the African part of our population bears so large a proportion to the residue of European origin, as to create the most lively apprehension, especially in some quarters of the Union," and that the object is, "in a material degree to diminish, or render stationary, this dangerous element in the general mass."

The means are next pointed out by which this great object is to be obtained. It is to transport 6,000 free persons of color, annually to Africa, which, at twenty dollars each, will cost one hundred and twenty thousand dollars per annum. "This (we are assured) is the whole scheme of the society." Now, sir, can any scheme be more preposterous, any evil more imaginary, or any remedy more inadequate to remove it, if it had an existence anywhere but in the disordered fancies of those who conjure it up to alarm the timid, or influence the weak and credulous? We are told of "the danger" to the people of this country, from the large number of the African race among us, and of "the lively apprehension" felt on this subject. Danger, sir! from less than two millions of ignorant and unarmed people, scattered over an immense region, and without the means of concert or co-operation, in a population of twelve millions of brave, intelligent, and united freemen! As to the "lively apprehensions" from which our kind and considerate friends have volunteered to relieve us—let me tell them, that we have no fears, except from their uncalled-for interference in our concerns. Sir, a mistake has gone abroad on this subject, which must be corrected. I know that language, similar to that which I have just quoted, has been so often used in certain quarters, that an opinion prevails in some portions of this Union, that the Southern States are dependent upon them; that they cannot maintain their existence, without the protection of their Northern brethren; and hence it is, sir, that very little scruple is felt in imposing burthens (by tariffs and other impositions) on those who are supposed to be "in mercy." Sir, let me assure our Northern brethren that this is altogether a delusion. We feel ourselves perfectly adequate to our own protection, and we feel no apprehensions whatever, except from their unauthorized and dangerous intermeddling with our institutions. It is true, sir, that much has been already done to create difficulties, and our only apprehension arises from a belief that a reckless perseverance in the course which

has been for some time pursued, (ostensibly for our benefit, but in truth to our injury,) may lead to scenes over which humanity must weep.

But, if the danger was in reality such as the Colonization Society suppose, what are we to say to the remedy proposed for so great and pressing an evil? Sir, it is absolutely beyond belief, that any one should gravely propose to accomplish so great an end by such feeble means. The safety of ten millions of people is endangered by the great relative proportion which two millions of people bear to twelve millions, and to remove this, it is proposed to transport six thousand per annum to the coast of Africa, at an expense of twenty dollars each. Now, what influence can the removal of six thousand persons annually, possibly have on the safety of such a nation as this? Sir, the number would not even be missed. According to the laws which govern population, their places would be supplied immediately, and the country would proceed on its steady march, without the smallest interruption from this insignificant diminution of their numbers. And yet, this, we are assured, is "the whole object of the society." The other part of the calculation is equally fallacious. Twenty dollars to transport a person to Africa and establish him there? Why, sir, it would cost more to carry him to the place of embarkation. To transport him, including all expenses, would cost double that amount; and then, if you do not mean to leave him to perish, you must build houses, and furnish food, clothing, medicines, and efficient protection, for at least a year. If you put the expense of all this at \$100, I am sure you would fall far below the mark. Gentlemen, on whose judgment and accuracy I rely, have estimated it at \$200. But we have some lights on this subject, which may assist us in counting the cost of transporting persons to the coast of Africa, at the expense of the public. I have the official documents before me, showing that there has already been actually expended by the United States, under the act for transporting captured Africans to the coast of Africa, \$69,767 57: there having been actually transported only about thirty, equal to about \$2,000 apiece. It is true that there have been supported in the United States, (pending certain legal investigations,) about 180 more. But here is an estimate just submitted by the Government, of the sums now wanted to transport and maintain these. The transportation, from the port of embarkation, is put down at \$40 each—equal to \$7,800.

Provisions and clothing (including the 30 already at the agency)	\$5,000
Medicine and Hospital Stores,	1,000
Lumber, &c.	2,000
Salaries, Principal and Assistant,	2,800
For various expenses of the Agency that cannot be estimated with any accuracy,	11,290
<b>Making in all the sum of</b>	<b>29,290</b>

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*The Colonization Society.*

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Equal, in round numbers, to about \$150 for each African transported.

But, if you add the whole expenses to which the Government will have been subjected in the transportation of these 200 Africans, the account, as appears from the document before me, will stand thus :

Expenditures to 31st December, 1825—Reported	
20th January, 1826,	\$40,400 81
Expenses by account, to	
2d January, 1827,	\$19,347 59
Advances to Agents,	10,866 67
	<hr/>
	\$29,714 26
	<hr/>
	\$70,114 57
Additional sum now demanded as	
above specified,	29,290 00
	<hr/>
	\$99,404 57

Equal to about one hundred thousand dollars for the transportation of 200 Africans, or about \$500 each.

But, if it is really and truly the single object of the society to relieve the country from the danger resulting from the large proportion which the African population in this country bears to the rest, surely nothing short of the transportation of the whole annual increase will effect that object. Even this would leave that population undiminished. Now, what is the annual increase? At 4 per cent. it would be 80,000; at 2 per cent. it would be 40,000—but taking the average increase for thirty years, from 1790 to 1830, it exceeds 3 per cent. In round numbers, therefore, it may be estimated at 60,000. Nothing short of the transportation of this number, annually, could accomplish the objects of the society, and this would cost six millions of dollars, at the lowest calculation, and probably double that amount. Can the society do this? Can the Government do it? No rational man will, for a moment, say so. So perfectly chimerical then, Mr. President, are the plans and calculations of this society. The whole object of the society is to remove an imaginary danger, and by means as inadequate, as if they should attempt to move the world, even without the lever of Archimedes. Sir, this whole subject is grossly misunderstood, and egregiously misrepresented. The progress of time and of events is providing an effectual remedy for the evil, concerning which, some gentlemen are so sensitive. In this very speech facts are stated, that ought to quiet forever the minds of the most philanthropic, on this subject—facts drawn from official documents, which show conclusively that the relative increase, for many years past, has been decidedly in favor of the free white population, and that the relative proportion of the colored population, whether free or slave, is certainly diminishing, almost in an arithmetical proportion.

Without going over the table before me, I shall merely give a few results.

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The rate of increase of *slaves*, for ten years, from 1810 to 1820, was 2.911 per cent.

Ditto of persons of color 2.525 per cent.

While the mean ratio of increase for *thirty years*, from 1790 to 1820, was—

Of slaves, 3 per cent.

Persons of color, upwards of 5 per cent.

Showing, clearly, that the increase has been considerably less, during the last ten years, than for the twenty years preceding, and also that the present ratio of increase is much below that of the free white population.

Thus, sir, it appears, that the Almighty, in the wise order of his providence, has marked out the course of events, which will not only remove all danger, but gradually, and effectually, and “in his own good time,” accomplish our deliverance from what gentlemen are pleased to consider as “the curse of the land.” The European population is now increasing at the rate of four per cent., that of the African race at from two to three per cent., (and their rate of increase constantly diminishing.) The former will be doubled in about twenty-five years, the latter will not probably be doubled in less than fifty years. While this process is going on, the colored classes are gradually diffusing themselves throughout the country, and are making steady advances in intelligence and refinement; and if half the zeal were displayed in bettering their condition, that is now wasted in the vain and fruitless effort of sending them abroad, their intellectual and moral improvement would be steady and rapid. The history of this country has proved, that, when the relative proportion of the colored population to the white is greatly diminished, slaves cease to be valuable, and emancipation follows of course, and they are swallowed up in the common mass. Wherever free labor is put in full and successful operation, slave labor ceases to be profitable. It is true that it is a very gradual operation, and it must be to be successful or desirable. Time and patience, therefore, are only wanting to effect the great object which gentlemen profess to have in view—and to effect it safely, prudently, and in the only mode in which it can be done, without the inevitable ruin of all parties concerned. And gentlemen, in their intemperate zeal in what is miscalled the cause of justice and humanity, are attempting to anticipate events, and insist on reaping the fruit at once, not only before the harvest is ripe, but before they have taken the pains to till the ground, or to sow the seed.

The gentleman from Maryland, admitting that the conduct of Dr. Ashmun has been censurable, yet seems to think that I have misrepresented the matter too strongly, and he insists that, as Agent of the United States, he has a right to capture slaves on the coast of Africa; and at all events, however censurable his conduct may be, that the Government, and not the society, are answerable for it. Sir, though Dr. Ashmun dates his letter at the “United States Agency,” and speaks of himself as the Repre-

representative of the United States, and of his acts as the acts of this Government, I am yet to learn that our constitution and laws give the slightest sanction to these pretensions. His authority is derived entirely from the act of 3d March, 1819, which merely appropriates a sum of money to enable the President to cause to be sent back to their own country, any Africans illegally imported into the United States. Dr. Ashmun has been employed as Agent under that act, and his powers and duties are strictly limited to receiving such Africans as may be sent from this country, and causing them to be restored to their respective tribes. Where, then, can he derive authority to destroy the slave trade—to suppress piracy—to capture and break up French and Spanish establishments on the coast—to take prisoners, destroy property, and conduct military expeditions? As to the alleged piratical character of the Spanish schooner, against which the Dr. undertook his first hostile expedition, he himself expressly declares, that her papers were all regular; that she was engaged in a lawful trade, and that there was not even a suspicion of her having been engaged in any unlawful act, prior to her taking from an English brig an anchor, and some other articles not specified. The case, therefore, is clear—that expedition, like all the rest, was undertaken in furtherance of the great scheme of *putting down the slave trade*—an object doubtless very desirable, and extremely benevolent, but with which Dr. Ashmun has no more to do, than he has in that of establishing free Governments throughout the world. There can be no other pretext than this for the attack on Will's Town, and the capture of the slaves and other property there—nor indeed for any of the expeditions of which I have before spoken. Now, let it be remembered, that the Executive formally disavows all of these unlawful acts, and throws them on Dr. Ashmun, as the Agent of the society. And what do they do? I know nothing of their proceedings or opinions, except what I derive from their public acts; but I do know that, at their annual meeting here, on the 20th January last, they did pass a resolution approving of the conduct of Dr. Ashmun, without any restriction or limitation whatsoever. I repeat, therefore, that the society has sanctioned the unlawful acts of Dr. Ashmun, as *their Agent*—acts of which this Government has disapproved—and they now come here and wish us to take the business into our own hands. Sir, the course of this affair has demonstrated that political power cannot be entrusted to Agents three thousand miles off, (whatever the character of such Agents may be,) without being liable to abuse. It is manifest that a private society always must be inadequate to the Government of a Colony—a discovery which the Colonization Society seems at length to have made, and which it would have been well for themselves, for their country, and for the persons who have been trans-

ported to a barbarous and distant land, if they had made before their society was instituted. What then? Shall the United States adopt this ill-fated Colony? Shall they, with the fatal experience of all other countries on the subject before their eyes, enter upon *the Colonial System*? Shall they form a Colony three thousand miles off—a Colony on the Continent of Africa, and above all, a Colony to be composed entirely of a description of persons unfit for self-government, and in every respect unprepared for the new state of political existence in which they are to be placed? For my own part, Mr. President, I am resolved to give no countenance whatever to any such wild and extravagant projects, by whatever specious names they may be called. I will not consent even to entertain the question; and I shall move to lay this petition on the table, for the express purpose of preventing its reference to any committee, and in the hope that the Senate may hear no more of it, either during the present session, or at any other time.

After a few words from Mr. BENTON, on the same side of the question, the petition was, on his motion, laid upon the table.

MONDAY, February 12.

*In Secret Session.—Panama Mission.—Nomination of Mr. Poinsett.*

The Senate resumed the consideration of the nomination of Joel R. Poinsett, as Envoy Extraordinary and Minister Plenipotentiary of the United States to the Assembly of American Ministers, transferred from Panama to Tacubaya, in Mexico, in the place of Richard C. Anderson, deceased.

Mr. BENTON offered the following resolution:

*Resolved*, That it is inexpedient for the United States to send any Minister in the place of R. C. Anderson, deceased, to the Congress of American Nations at Tacubaya.

The question being taken on this resolution, it was negatived by the following vote:

YEAS.—Messrs. Benton, Berrien, Branch, Chandler, Cobb, Dickerson, Eaton, Findlay, Hayne, Kane, King, McKinley, Macon, Randolph, Ridgely, Rowan, Smith of South Carolina, Tazewell, Van Buren, White, Williams, and Woodbury—22.

NAYS.—Messrs. Barton, Bateman, Bell, Boulogny, Chambers, Clayton, Edwards, Harrison, Hendricks, Holmes, Johnson of Kentucky, Johnson of Louisiana, Knight, Marks, Mills, Noble, Reed, Robbins, Ruggles, Sanford, Seymour, Silsbee, Smith of Maryland, Thomas, and Willey—25.

Mr. BENTON submitted the following resolution:

"It appearing to the Senate, from the documents communicated by the President, in the Treaty of Union, League, and Perpetual Confederation, concluded by the Assembly of American Nations at Panama, on the 15th of July, 1826, it is stipulated that the Governments there represented, would renew their invitations to the neutral and friendly powers to send Plenipotentiaries to Tacubaya; and it further appearing

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*Land for a Canal in Indiana.*

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that no such invitations have yet been given to our Government:

"*Therefore, resolved*, That, without now expressing its opinion as to the expediency of the United States being represented at the Congress of Tacubaya, the Senate are of opinion that no further steps ought to be taken in that Mission, nor any further expense incurred."

The question being taken on this resolution, it was decided in the negative, as follows:

YEAS.—Messrs. Benton, Berrien, Branch, Chandler, Cobb, Dickerson, Eaton, Findlay, Hayne, Kane, King, McKinley, Macon, Randolph, Ridgely, Rowan, Smith of South Carolina, Tazewell, Van Buren, White, Williams, and Woodbury—23.

NAYS.—Messrs. Barton, Bateman, Bell, Boulogny, Chambers, Chase, Clayton, Edwards, Harrison, Hendricks, Holmes, Johnson of Kentucky, Johnston of Louisiana, Knight, Marks, Mills, Noble, Reed, Robbins, Ruggles, Sanford, Seymour, Silsbee, Smith of Maryland, Thomas, and Willey—28.

The question being put, "Will the Senate advise and consent to the appointment of Joel R. Poinsett, as Minister Plenipotentiary," &c., it was decided in the affirmative, as follows:

YEAS.—Messrs. Barton, Bateman, Bell, Benton, Boulogny, Chambers, Chase, Clayton, Eaton, Edwards, Harrison, Hendricks, Holmes, Johnson of Ky., Johnston of La., Kane, Knight, McKinley, Marks, Mills, Noble, Reed, Robbins, Ruggles, Sanford, Seymour, Silsbee, Smith of Md., Thomas, Willey—30.

NAYS.—Messrs. Berrien, Branch, Chandler, Cobb, Dickerson, Findlay, King, Macon, Randolph, Ridgely, Rowan, Smith of S. C., Tazewell, Van Buren, White, Williams, Woodbury—17.

The Senate then proceeded to the nomination of John Boyle, of Kentucky, to the office of Judge of the United States, for the District of Kentucky, and on the question of advising and consenting to that nomination, it was decided in the affirmative, as follows:

YEAS.—Messrs. Barton, Bateman, Bell, Benton, Berrien, Boulogny, Chambers, Chase, Clayton, Eaton, Edwards, Harrison, Hayne, Hendricks, Holmes, Johnson of Ky., Johnston of La., Kane, King, Knight, McKinley, Marks, Noble, Reed, Ridgely, Robbins, Ruggles, Sanford, Silsbee, Smith of Md., Tazewell, Thomas, Van Buren, White, Willey, Williams, Woodbury—37.

NAYS.—Messrs. Branch, Chandler, Findlay, Macon, Randolph, Rowan, Smith of South Carolina—7.

On motion, the injunction of secrecy was then removed from the above proceedings.

TUESDAY, February 13.

*Land for a Canal in Indiana.*

On motion of Mr. HENDRICKS, the bill to appropriate a certain quantity of land for the opening of a canal to unite the waters of the Wabash with Lake Erie, and the amendment offered by Mr. HOLMES on Friday, were taken up.

Mr. HOLMES then withdrew that amendment and offered two others, making the grant of land for the canal to amount to the half of five sections in width on each side of the canal, and

each alternate section to be reserved to the United States, to be sold by the Commissioner of the Land Office, under the direction of the President of the United States; which were put and carried.

A debate of considerable length took place upon this bill, chiefly upon points of the discussion of Friday, in which Messrs. SMITH, of South Carolina, HARRISON, and BELL, took part.

Mr. CHANDLER observed, that, as no time for the completion of the canal had been fixed, he would suggest whether it would not be proper that some such limitation should be fixed.

Mr. EATON then moved an amendment to the bill, by which the State of Indiana was bound to commence and complete the canal in given periods. This proposition gave rise to much discussion between Messrs. HENDRICKS, EATON, CHANDLER, RIDGELY, HOLMES, and NOBLE, when the proposition of Mr. EATON having been modified to make it incumbent on the State of Indiana to commence the canal in five years, and complete it in twenty years, and binding the State to pay the amount of any lands that shall have been sold, should the canal not be completed—and making all titles to land under the State valid,

The motion to amend was taken and carried.

The question then recurring on engrossing the bill for a third reading, and Mr. CHANDLER having called for the yeas and nays, it was carried by the following vote:

YEAS.—Messrs. Barton, Bateman, Bell, Benton, Boulogny, Chambers, Chase, Eaton, Harrison, Hendricks, Holmes, Johnson of Kentucky, Johnston of Louisiana, Kane, King, Knight, McKinley, Marks, Noble, Reed, Ridgely, Robbins, Ruggles, Seymour, Silsbee, Smith of Maryland, Thomas, Willey—28.

NAYS.—Messrs. Branch, Chandler, Clayton, Cobb, Dickerson, Edwards, Findlay, Hayne, Macon, Randolph, Sanford, Smith of South Carolina, Tazewell, Woodbury—14.

On motion of Mr. KANE, the bill to appropriate a quantity of land in aid of opening a canal to unite the waters of the river Illinois and Lake Michigan, was taken up.

WEDNESDAY, February 14.

The bill to authorize the State of Indiana to locate and make a road was read a second time.

Mr. HENDRICKS explained the objects of the bill.

Mr. CHANDLER called for the yeas and nays, which being sustained, the bill was ordered to be engrossed by the following vote:

YEAS.—Messrs. Bateman, Bell, Benton, Boulogny, Chambers, Chase, Eaton, Edwards, Harrison, Hendricks, Holmes, Johnson of Kentucky, Johnston of Louisiana, Kane, King, Knight, McKinley, Marks, Noble, Reed, Ridgely, Robbins, Rowan, Ruggles, Seymour, Silsbee, Smith of Maryland, Thomas, Willey, and Williams—30.

NAYS.—Messrs. Branch, Chandler, Clayton, Cobb, Dickerson, Hayne, Macon, Randolph, Sanford, Smith of South Carolina, Tazewell, and Woodbury—12.

*Duty on Teas, &c.*

The bill to reduce the duties heretofore levied on certain articles, (comprising teas, coffee, and wines,) was read a third time.

Mr. SEYMOUR moved its recommitment to the Committee on Finance, with instructions to strike out the section relating to wines and coffee. Mr. SMITH of Maryland opposed the motion on the ground that, if the bill was recommitment, it could not pass this session. Mr. CHANDLER sustained the motion. Mr. WOODBURY moved to divide the motion, and take the question on wines first; which was agreed to, and the motion to recommit, and strike out wines, was rejected, 19 to 22.

The question then recurred on recommitting, with orders to strike out coffee, and was rejected, 14 to 28.

The question was then taken on passing the bill, and was decided in the affirmative, by the following vote:

YEAS.—Messrs. Benton, Berrien, Boulogny, Branch, Chambers, Chandler, Clayton, Cobb, Eaton, Edwards, Hayne, Hendricks, Holmes, Johnson of Kentucky, Kane, King, Macon, Randolph, Reed, Rowan, Sanford, Silsbee, Smith of Maryland, Smith of South Carolina, Tazewell, Thomas, Van Buren, Woodbury—28.

NAYS.—Messrs. Bateman, Bell, Chase, Dickerson, Findlay, Harrison, Knight, Marks, Noble, Ridgely, Robbins, Ruggles, Seymour, Willey—14.

## THURSDAY, February 15.

Mr. DICKERSON, by direction of a majority of the Committee on Manufactures, reported the bill to increase the duties on certain articles of imported woollens, without amendment.

*Gradual Improvement of the Navy.*

The Senate then proceeded, in Committee of the Whole, to the consideration of the bill to provide for the gradual increase of the Navy.

Mr. HAYNE (Chairman of the Committee on Naval Affairs) rose and addressed the Senate as follows:

By an act "for the gradual increase of the Navy," passed on the 29th April, 1816, the sum of one million of dollars, per annum, for eight years, was appropriated and set apart, for that purpose. On the 8d March, 1821—five years afterwards—this annual appropriation was reduced to half a million, for six years, from the year 1821; so that this act will expire on the 8d of March next. This policy, therefore, of setting apart a fund for the improvement of the Navy, has now been established in the United States for eleven years, and comes recommended to us by an experience neither very short in its duration, nor at all doubtful in its results. The wisdom of this policy seems now to be firmly established by general consent; and it is a remarkable fact, that, during a period of eleven

years, not a single proposition has been made, in either branch of Congress, or in any Department of the Government, to depart from it. The amount of the appropriation has, indeed, varied; but the principle has been held sacred. I do not feel, therefore, that it is incumbent on me to do more, on the present occasion, than merely to state a few of the leading considerations which induced Congress, in 1816, to establish this policy, and which still recommend it to our adoption and support. A brief retrospect of the events which preceded and accompanied the late war with Great Britain, will, perhaps, be useful, in enabling us to form a just estimate of the value of a Navy to this country, and of our true policy on that interesting subject. The people of the United States, though inheriting from their British ancestry a decided predilection for the sea, and though tempted, by their peculiar situation, to seek employment on the ocean, were yet so strongly impressed with the omnipotence of Great Britain, on that element, that they hardly dared to look forward to the day when these scattered Republics would be able to maintain a Navy that could be of the smallest service in the defence of their coasts and harbors, much less in the protection of their commerce on the common highway of nations. It entered not into the wildest speculations of the most sanguine among us, that, at any period to which we could reasonably extend our calculations, the United States would be able to build and support a Navy, capable of maintaining its existence in the presence of the "Mistress of the Seas." So strong was this delusion, that our ablest statesmen, and most devoted patriots, looked to a defensive system as the only one to which the United States could, in any event, resort, for the redress of her wrongs, or the protection of the persons and property of her citizens. Hence it was, that, when some of your seamen were impressed, you withdrew the rest into your cities; when your ships were captured, you retired from the ocean; and when redress for these wrongs was perseveringly and finally refused, you abandoned your commercial pursuits, shut yourselves up within your own Territory, and cut off all intercourse with those who had committed these outrages. Mr. President, it has often occurred to my mind, that, in some respects, a more sublime moral spectacle has seldom been exhibited to the world than that presented by the people of the United States, during that period of unparalleled endurance. I well remember the period, sir; it made an impression on my mind and my feelings, which can never be effaced to the last day of my existence—when, under the operation of the restrictive system, the whole maritime frontier was hermetically sealed; when our mariners, driven from the ocean, sought refuge in our cities almost to starve; when our ships lay rotting at the wharves, and every class of persons connected with trade were driven from their employments; when the produce of the farmer lay

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rotting in his barns; and when all, who depended on their daily labor for support, whatever might be the nature of their pursuits, were left almost without the means of getting food and raiment. In that period, sir, of unparalleled suffering, amidst the deprivation of all our accustomed comforts, the people of every part of the United States, with but few exceptions, were found submitting quietly, and without a murmur, to what would have driven any other people on earth to despair and madness. And why did they so submit? Because they had the most perfect confidence in the wisdom and patriotism of their rulers; because they knew that the honor of the nation had been assailed; and firmly believed that, incapable of contending with Great Britain on the ocean, we could not redress our wrongs by war. Sir, I was young at that time; but I partook of the universal enthusiasm which would have induced the people, among whom I lived, to have submitted cheerfully to any extremity of suffering, rather than consent to relax, in the smallest degree, those restrictive measures which we then believed to be called for by a just regard to the national honor, and which we supposed to be the only means of coercing our enemies to do us justice. I admit, sir—the nation now admits—that we were under a delusion. We underrated our resources; we undervalued ourselves. The capacity of this country for war was not understood. We had yet to learn, that a people, capable of making the sacrifices required by the restrictive system, could never be conquered; that a patriotic people could at once create armies; that war itself would raise up Washingtons and Jacksons to lead us to victory; and that the oaks of our forests, and the sturdy virtues of our gallant tars, were capable of making the ocean itself the immediate scene of our glory. The war at length came, and, notwithstanding the numerous errors committed in its conduct—errors, sir, in a great measure inseparable from our peculiar situation—we came out of it with the redress of all our wrongs, and with a character cheaply purchased by all our sufferings and sacrifices. Whatever differences of opinion existed at the time war was declared, none exists now, as to the incalculable benefits which that war has conferred upon this country. It is looked upon as the great era in our history, scarcely inferior, in importance, to the establishment of independence itself; and the men who declared that war, as well as those who conducted it to a successful conclusion, will live forever in the hearts of the American people. But it is not my present purpose to notice the events or the results of that war, except so far as they relate to the part which the Navy contributed in producing them, and as they tend to illustrate the true policy of the United States on that subject.

The declaration of war found the public mind in the state which I have described,

in relation to the Navy. We possessed, it is true, a few frigates, which had been provided from time to time, chiefly for the purpose of protecting the commerce of the United States from the Barbary Powers, and we retained a few officers who had acquired reputation in the Mediterranean, in their contest with the Turks. But to these the nation hardly looked, except for aid in defence of our harbors. Hence the naval means of the country were, in the first instance, chiefly directed to the building and equipment of a great number of gunboats, and our most gallant and experienced officers were devoted to that service. I have heard it stated, sir, as a fact, (of the truth of which I have no doubt,) that when the proposition was first made here, that the few frigates and sloops of war which we then had, should be sent out to meet, in single combat, the ships of Great Britain, the proposal was considered rash and desperate. Happily for us, these rash counsels prevailed, and, from the moment that Captain Hull, in the *Constitution*, met and captured the *Guerriere*, up to the final termination of the war, the whole career of the Navy was one of daring enterprise, heroic achievement, and splendid victory. Wherever it moved, whether upon the ocean, or on our inland seas, its path was a flood of glory. Sir, I cannot stop to dwell upon these achievements in detail, which filled every American bosom with enthusiasm, and during every period of the war, animated our hopes in prosperity, and cheered us in our reverses. It is sufficient for my purpose to say, that the Navy literally fought itself into favor—it became its own architect. Experience had now demonstrated that it was the true policy of the United States to become a great Naval power; that no time was to be lost in putting forth the resources of the nation, for the establishment of a Navy, commensurate with our wants; capable of protecting our commerce in peace, and defending their country in war, not only by maintaining the command of our own waters, but by carrying on an offensive operation on the ocean itself, and thereby causing our enemies to partake of the evils of war. Sir, it was demonstrated by our statesmen in both Houses of Congress, by the clearest arguments, and the plainest calculations, that a Navy was not only the safest, but the cheapest defence of this nation.

The honorable gentleman from Maryland (Mr. SMITH) has, on more than one occasion, contributed much to establish that position—and it is with pride and pleasure that South Carolina recollects the convincing statements and conclusive arguments by which one of her favorite sons (Mr. Cheves) so justly acquired the name of “one of the fathers of the Navy.” The peace of 1815 found the whole nation in favor of a Navy. The act of April, 1816, was the first fruit of that feeling, and was the foundation of the naval policy of this country. It appropriated one million of dollars for eight



years, for the increase of the Navy, and provided for the building of a number of ships of the line, and other vessels, which, with those before and since authorized by law, will give to the United States a Navy, consisting of 12 ships of the line, 20 frigates, 16 sloops of war, 4 schooners, and 8 steam batteries.

I come now, Mr. President, to the Dry Docks, which form the next object of this bill. And here I must begin by saying, that it is not a little surprising, that a country, possessing a navy of twelve ships of the line, and twenty frigates, should be without one of these necessary appendages of all navies; and that, with the experience of the rest of the world before our eyes, we should have gone on, for so many years, incurring the delay, risk, and expense, of heaving down our ships, when we possessed so many admirable positions for docks, and when the saving, in a single year, would have almost paid the expense of constructing them. It is estimated that the expense of heaving down a 74-gun ship, coming into port from a cruise, and putting even small repairs upon her, would not fall far short of \$20,000. She would have to be unloaded, her guns taken out, her spars and sails removed, a large number of men must be employed in the operation, and, when the work was done, she must be reloaded and equipped. Great delay would also necessarily take place from such an operation. For ordinary repairs, such a ship would be detained a month; and, at certain seasons of the year, it would not be considered safe to subject a vessel to the dangerous operation of heaving out. At all times, and under all circumstances, the vessel is greatly strained. Nor is this all: in the present condition of your Navy Yards, your vessels of war must be hove out, not only for repairs, but even for examination. It is not deemed safe to send vessels to sea that have been lying some time in port, nor after long cruises, without examination; and to do this, all the delay, expense, and risk, of heaving out, must be encountered. In time of war, this would greatly impair the efficiency of the Navy. Time, in all military operations, is of great importance to success; and promptness in preparation, and celerity in movement, have often gained battles, that must otherwise have been lost. Now, with suitable dry docks, ships can be examined and discharged immediately, and repairs, when necessary, effected with the least possible delay and expense. I have the highest authority for stating the fact, that, not long since, a British frigate, with her provisions and entire armament on board, was run into a dry dock for examination, and sailed on her destination during the same tide—thus saving all the expense, delay, and risk, of an examination, according to our clumsy method of heaving out. The advantages derived from dry docks are so fully understood in Europe, that there is no naval power without a number of them. In England, there are now sixteen, and three more building; and in France, there

are twelve, all of the most durable materials. On the subject of dry docks, we are in possession of the most minute and satisfactory information. It is known to the country, that one of our most intelligent naval officers (now a member of the Navy Board) was not long since sent to Europe to obtain information on this and other subjects connected with the naval establishments of that continent. Through him, the country has been put in possession of a mass of valuable information, and especially on the subject of dry docks. In addition to this, an intelligent and experienced civil engineer (who had resided many years in England) has, under the orders of the Navy Department, lately made minute surveys and calculations on this subject, which I have now before me. From these statements it appears—

That the following will be the whole expense of constructing dry docks, on the most approved plan, at the following Navy Yards, viz:

At Portsmouth, N. H.	\$349,571 71
At Charlestown, Mass.	856,864 04
At Brooklyn, N.Y.	\$80,116 86
At Gosport, Va.	398,800 00

The committee have no doubt that there ought to be a dry dock at each of these places; but, for the sake of deriving the advantages of experience on this subject, they have determined to recommend the construction of only two at this time, one to the south and the other to the north of the Potomac River. Holding myself in readiness to make any further explanations that may be required on this point, I shall now pass to the next object proposed in the bill, the construction of a Marine Railway at Pensacola, on the Gulf of Mexico. From the best information the committee have been able to obtain, they are well satisfied that railways are much cheaper than docks, and that they may be advantageously used for the repair of sloops of war and other smaller vessels; but that there would be great risk in using them for the repairs of frigates and ships of the line. This is the received opinion in Europe, and our most experienced officers concur in its correctness. In no point of view, however, can railways supersede dry docks. It is now proposed to erect a railway at a point where it will certainly be extremely useful, and where we will be able to learn from experience its practical value.

With respect to the contemplated improvements in our Navy Yards, which it will be seen forms one of the objects of this bill, I shall now make but a single remark. These yards have hitherto been improved from time to time, without any regular plan. It is extremely desirable, therefore, that system should be introduced into establishments which are daily expanding, and which must necessarily be considerably enlarged hereafter. The adoption of the plan here recommended, will introduce economy, and greatly promote the efficiency of these establishments.

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I come now, Mr. President, to the great, the interesting question, of the Naval Academy. It cannot be necessary, at this day of intellectual light, to enlarge on the great advantages of education; it must at least be superfluous for me to say to the gentlemen who compose the Senate, that mental culture must enlarge and improve the intellectual faculties, elevate the sentiments, establish the principles, and strengthen, ennoble, and adorn, the character of man. But, however universally acknowledged these truths may be, there still remains a doubt on the minds of some, whether they are strictly applicable to naval men. The time was, when the hardy virtues and noble traits which form the character of the sailors were supposed to belong to a being altogether different from the rest of mankind. In former times, it was believed to be necessary, to complete the character of a naval officer, that he should be a profane swearer and a hard drinker; that he should be proud of his ignorance, despise books, and be distinguished by habits, manners, and language, different from the rest of the world. But these, sir, are the exploded errors of the last century. No one, now, supposes that these peculiarities ever constituted any portion of the merit of an accomplished seaman. Amidst the universal spread of light and knowledge, which has formed a new era in the history of the world, it has been discovered, and generally admitted, that military and naval men form no exception to the universal rule, that, in every department of human affairs, the success of individuals, as well as of nations, will be in exact proportion to their intellectual and moral strength. No one now doubts that, every thing else being equal, the scientific officer will bear away the palm from a less accomplished competitor. There is no class of men among whom the march of improvement has been more steady and uninterrupted than among naval men. In our own country, and especially during the last war, this truth has been most conspicuously developed. The naval officers who, during that conflict, immortalized their names, and covered their country with glory, were men of cultivated minds, elegant manners, and the noblest sentiments of honor—men who graced the drawing room as well as the quarter deck, and were fitted to shine in any situation in which they could be placed. In their characters were combined extensive scientific attainments, and perfect nautical skill, with the sentiments and feelings which gave grace and dignity to ancient chivalry. Sir, if Perry had been an officer of the old school, he would have gone down at the battle of Lake Erie, with his colors nailed to the mast, and his country would have lost one of the proudest trophies of the war. But, Mr. President, the effect of cultivating the minds, improving the manners, and elevating the character of our officers is not confined to themselves; it produces a decided moral effect on the men committed to their charge; it elevates the

character of our seamen. If, sir, we could discover all the causes which produced our naval victories in the late war, I doubt not it would be found, that the high moral character of our seamen contributed as much as any other; and for this they were indebted to the excellent example of their leaders. Where, in the naval history of the world, was such a spectacle presented, as that exhibited by the crew commanded by the all-accomplished Decatur (the man over whose untimely fate the whole nation mourned) when returning from a long cruise, covered with laurels, they were invited by the grateful citizens of New York to a public festival. Upwards of five hundred men, abandoned by their officers, were seen traversing the streets of a crowded city in the night, partaking of the amusements of the theatre, and returning quietly to their ship at midnight, not one untold. Look, too, at the conduct of the crew of the *Adams*, when commanded by the excellent and gallant Morris. When that vessel was driven on shore by a superior enemy at the Penobscot, the crew, consisting of several hundred men, were dispersed, after receiving orders from their commander to rendezvous at Portsmouth, at a time appointed. They wandered through the country (on a journey which occupied five days) and at the time and place appointed every man was at his post. It is unnecessary to multiply examples of the high character of our naval officers who most eminently distinguished themselves during the war, or to trace the influence of their example in elevating the character of our seamen. But, sir, I must notice the fact, that these officers were, almost without exception, men of well-informed minds, consummate professional skill, cultivated manners, and elevated sentiments. It is true, that they were in general self-educated men, who had not the advantages of early instruction at a naval school. There is no mistake, however, greater or more common, than that which condemns education as useless, because eminent men have educated themselves. When we show you the triumphs of learning, and point out the advantages actually derived from science and information, by distinguished individuals, is it any answer to say that these men educated themselves? Sir, unquestionably the best of all kinds of education is that which a highly gifted man secures to himself from the deep conviction of its immense importance. But, when we see the rich fruits of this education, as exhibited in the lives and characters of such men, is it not preposterous to say, that education is of no value? The correct inference is directly the contrary, and the only question which remains, is as to the best means of extending its blessings to others. The mass of men never will, never can become self-educated. In all the professions and pursuits of life, early, judicious, and persevering efforts must be used, to form the minds, principles, and moral habits of youth, or they will run to

waste, and produce no fruit. It is for men formed "in the prodigality of nature," to be self-instructed. All others must receive the aids of early and constant lessons. Sir, the object of the naval academy is to give to all the young men in our Navy, the means of becoming Decatur and Perrys; to take them at 13 or 14 (at their first entrance into the service) and putting them under able instructors, to cultivate their minds, not only in the sciences immediately connected with their future pursuits, but to a certain extent, to make them acquainted with general literature; to imbue their minds with a love of knowledge, to give them a taste for books, to encourage good habits and principles, to hold out proper examples for their imitation, and to convince them that their future standing in the service will be exactly proportioned to their professional acquirements, and intellectual and moral character. By such a plan, how many gallant and promising young men will be saved to their friends and their country! how much vice and ignorance will be banished from the Navy! Our plan, Mr. President, is extremely simple. None are to be educated but midshipmen or other officers of the Navy. These will receive their first lessons at the school, where they will remain about two years, partly on shore, and partly on board of a vessel to be attached to the school, and to be employed in short cruises along the coast. At the end of this time they will be sent to sea on long voyages, and will continue in actual service for five or six years longer before they will be examined for promotion. During this time, they will be required to return to the academy, and prosecute their studies in naval architecture, and the higher branches of education, whenever they shall not be actually employed at sea, instead of wandering about, as they now too often do, in our cities, exposed to a thousand temptations, so difficult for the young to resist. By a rigid adherence to this plan, and raising the standard of attainments necessary for promotion, it is believed that the whole number of your midshipmen may become not only good practical seamen, but scientific officers and accomplished gentlemen; and this, with hardly any increased expense but the annual salaries of the professors. The pay of the midshipmen, and the cost of maintaining the vessel, are expenses to which we are already subjected. Sir, both in France and England, there are naval schools. The navies of those countries are steadily improving, and we must at least advance step by step with them. There is one other consideration, Mr. President, which presents the necessity of a naval academy in this country in such a point of view, that I am at a loss to conceive how it can be resisted. No nation can keep in actual service, in time of peace, one-fourth of the vessels necessary to be employed in war. In time of peace, therefore, by far the greater part of our Navy must be laid up in ordinary. But it is not only

necessary to have the ships, but, what is of equal importance, you must have skilful and experienced officers to command them. Now, how is this to be accomplished? The whole number of officers now in the Navy would not be sufficient to command one-half of the vessels we now possess. Of this fact we have official information in the report of the Secretary of the Navy, made to Congress two years ago, showing the number of officers necessary for the command of our vessels on a war establishment. In Europe, provision is made for the requisite number of officers in war by employing a much larger number in peace than would be consistent with the settled policy and economical habits of the United States. What, then, are we to do? Without experienced and skilful naval officers, ships are useless, and we cannot afford to employ in peace more than half the number that will be necessary in war. I insist, sir, that a naval academy will afford us the means of surmounting this difficulty in an easy, safe, and economical way. If nearly the whole number of your midshipmen were thoroughly educated men, and fit to be lieutenants, (which is notoriously not the case at present,) you could, in the event of a war, fill up the post captains from your master commandants, complete the list of masters from your lieutenants, and make as many of your midshipmen lieutenants as the service might require. You could then have remaining perhaps about one-half of the requisite number of well-instructed midshipmen, and no doubt can exist, that, with this number, the deficiency might be safely supplied from the promising young men of the country. The present organization of the officers would admit of no such arrangement. The number of well-instructed men, among either the lieutenants or the midshipmen, are not, and never can be, sufficient to afford the means of filling up the higher grades. I have made a calculation on the subject, from which it appears that a moderate addition to the present number of midshipmen, with the aid of a naval school, would enable us to maintain in peace, and at a very reasonable expense, a number of officers sufficient to command all our vessels in time of war; and I do not perceive how this can be accomplished in any other way.

I have now gone through what I intended to say on this subject. In proposing the appropriation of half a million of dollars a year for the gradual improvement of the navy, the committee deemed it fair and proper to introduce into the bill all the objects to which it was proposed to apply that fund. The Senate thus have a connected view of all that it is designed to do for the improvement of the Navy, and by taking their opinion on each proposition separately, we know that nothing can be retained in the bill which has not a majority in its favor. If this bill shall pass, very little will remain to be done, for several years to come, for the advancement of the Navy. It will be

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necessary, indeed, to give a better organization to the peace establishment, and to revise the Rules and Regulations for the Government of the Navy, both of which objects will engage the early and earnest attention of the committee, at the next session. Nothing further will then remain to be done, but to keep the system in vigorous and harmonious operation, in order to fulfil the proudest hopes of the nation in relation to the Navy. If, sir, I shall have the good fortune to contribute in any degree to elevate the naval character of the country, and to add vigor to this "right arm of our national defence," I shall consider it as one of the happiest incidents of my life.

Mr. ROBBINS then rose. He said, to the very able and impressive exposition made by the Chairman of the Naval Committee of the principle of the bill, and of its details, I beg to add a few words only on the subject of the naval academy. I propose to speak merely to this abstract question: Is it expedient for the United States to establish a naval academy? I shall forbear to touch upon those principles upon which the plan should be formed and adjusted, in order to ensure its anticipated results. These principles would open an interesting field of inquiry; but a field too wide to be attempted on the present occasion: for, among other things, it would lead to the examination of certain opinions, which appear to me, however consecrated by great names, or by long and almost universal adoption in practice, to be erroneous, opinions which have an extensive but most pernicious influence upon the whole business of education; opinions which abridge its improvement, in all instances, and, in many, occasion its total failure. But, then, to do this, we must go back to principles, must go into explanations, must give illustrations. Now, neither is the time fitting for this exposition, nor would it be seasonable till first we are agreed as to the expediency of the thing itself. It appears to me, if a navy is to be a part of our system of common defence, for our common security, that we must have a naval academy; that is, if we intend to adapt our means to the ends we have in view. Genius is the gift of nature; but art is the gift of education. This is true of all the arts, not excepting the slightest: it is eminently true of the great art of war; and no less of its naval than of its military branch. No man was ever born an artist in any art, not even in that of poetry, though it is said, *poeta nascitur, non fit*. But this is a saying of poetic vanity or poetic license. The genius is born, but the poet is made, and made by education, as every artist must be. It may happen that this education may be wholly given to the individual by the individual himself; he then is supposed to have had no education; whereas, in truth, he has then had the best; and that which never fails, unless nature has failed to give him an aptitude for his pursuit. Some individuals of this class (I mean the self-educated class) have

astonished the world by their power, and have astonished it the more, as nothing in them is attributed to education, but every thing to the force of nature; whereas, in truth, these are the very individuals who, of all others, were the most indebted to education: for learning, that is, to know what others have known, is not education, as it is commonly supposed to be. Education is that system of exercise which develops and perfects the faculties of the individual; and which system is dictated and formed, as to the given art, by the principles of that art. Here is found the true secret of those results which astonish us so much in the education of the ancients: its infallibility, in every instance in which nature had given the faculty to be improved; the rapidity of its operation in developing the faculty and giving to it its ultimate perfection; and the sublime heights to which that perfection ascended: results so astonishing, that they would be incredible to us, if we had them only in history or tradition, and had not the monuments remaining to attest their existence. If a country is to have a particular kind of talent for its service, it must be indebted for it to the appropriate education; and the only question is, whether it will depend for this education upon accident or upon system; upon such education as it may happen that individuals may happen to give themselves, or upon such as the country may provide, and by which it may be certain that the kind of talent wanted will be produced, and will be forthcoming when wanted, and as wanted? No one, I think, will hesitate to say, that the latter of the two, system rather than accident, will be the preferable resource. All our prosperity, all our prospects of its continuance and increase, depend on our security; that depends on our means of common defence, and the efficiency of those means. Now, the Navy is the principal mean of those means; it is the right arm of the Union; and the strength of that arm depends upon that skill which education alone can give. The revenues of the country depend on its commerce; that depends on its protection; and that, again, on the Navy; the Navy on its tactics; and these on education.

In every point of view, therefore, looking at our security; looking at all our interests depending on that security; we see that this education is indispensable. But it may be said, that the Navy itself is a naval school. It is so; it is valuable and indispensable as a school; but we want this academy as subsidiary to this school; as the means of giving to that school the most perfect efficiency. A blind mechanical practice, no doubt, will improve the faculty, and make a tolerable artist; but it is only that enlightened exercise, which is directed and regulated by principle, that makes the consummate artist in any art. It is the combination of science and discipline that is wanted; and this may be, and will be, effected, by means of the academy, and is not to be expected without

one; at least, not with the same certainty, nor to the same extent. The army, too, is a military school; still we have one military academy, and some are contemplating the establishment of another. Can there be any doubt but this institution is providing the country with military talent far beyond what the discipline of the army alone would provide it? I should suppose there could be but one answer to that question. The navy of Great Britain, too, is a naval school—a most excellent school; still Great Britain has a naval academy. The navy of France, too, is a naval school, not so good, perhaps, as the British or the American, but still a school; yet France has a naval academy. These older and more experienced countries have found it of great use, as no doubt we should, to connect the preparatory institution of an academy with the subsequent and perfecting discipline of the Navy. The expense of the institution will be something, it is true; but nothing to be felt as a burthen on the finances of the country; nothing to be compared to the benefit of the results to be anticipated from the institution. Still, I am aware that the expediency must depend, more or less, upon the plan itself of the institution. That a plan may be devised that will make it expedient for the country, I have no doubt: that a plan may be devised that will make it the most useful of all our institutions, I have no doubt—not only as to its direct effect on the Navy itself, but by its collateral effect in practically illustrating the infinite effect of education, when conducted on its proper principles.

I take leave, in conclusion, to suggest one other consideration, which, however visionary it may appear to others, has weight with me, and constitutes one source of my anxiety for this establishment. The day, I think, is coming—I hope it is a distant day—when the United States will be obliged to dispute for the supremacy of the ocean. It is evident that the statesmen of Great Britain are looking forward, and not without anxiety, to the possibility, nay, to the probability of such a contest, and with us. Desperate, desperate indeed, will be the battles in which that question will be decided. Not like the battle of the Nile, or the battle of Trafalgar, where the combatants were unequal; they will be battles in which Greek will meet Greek; battles, in which the whole resources of valor and of discipline, of genius and of science, will, on both sides, be displayed and exhausted; battles, that will resound through history in all future time. It is evident, I say, that Great Britain is looking forward to that important day; that she considers the United States as the only power ever likely to dispute with her the empire of the seas; that if that sceptre which she now holds, and has held so long, is ever to be wrested from her grasp, the United States are to wrest it. In these opinions of hers, are to be found the true secret of those commercial

regulations of which we so much complain—regulations in which her commercial interest seem as little consulted as our own. The object of them is not commerce, but policy; the object is to retard the growth of our commercial marine; to put off, and, if possible, to prevent, the evil day which she apprehends may come. I called it a secret, but it is no secret. This object has been most distinctly avowed by one of her most leading statesmen, in speaking of the policy of Great Britain in her navigation laws: I allude to the speech of Mr. Huskisson, delivered in the House of Commons, in May last. He says: "The House is aware that our navigation laws have a twofold object; first, to create and maintain in this country a great commercial marine; and, secondly, an object, not less important in the eyes of statesmen, to prevent any one other nation from engrossing too large a portion of the navigation of the rest of the world." Hence we see why other commercial, but minor States, have commercial arrangements made with them, and favorable to them, which are refused to the United States. Of the growth of the commercial marine of those States, she is not jealous; she has no occasion to be; but of the growth of the commercial marine of the United States, she is jealous, and would gladly restrain that growth. She sees in the infant Navy of the United States, a young giant, and anticipates with alarm, its growing strength. Now, as she is looking to the future, and acting with reference to the future, as regards the United States, ought not the United States to be equally provident of the future, as regards Great Britain? Equally attentive to all the means which may best qualify them to meet the demands of that future? Let prudence make the reply. But, however visionary this speculation may be in me—however little consideration it may receive, or be entitled to receive, from others—still, I flatter myself that the other grounds on which the adoption of this measure has been urged, will not be deemed visionary, nor insufficient to procure for it the approbation of the Senate.

Mr. CHANDLER said, that the bill reminded him of the Alkoran; he believed that nearly every chapter in it begun somehow in this way—God is great, or God is good; and almost every section of this bill begins with "the President of the United States shall be, and he is hereby, authorized." And, if he understood the Chairman of the Naval Committee, it became necessary to leave so much in the discretion of the President, because the committee could not agree how one thing should be done, or where the other should be done; and that the committee did not believe that the Senate would be more likely to agree than the committee. This was sufficient to satisfy him (Mr. C.) that the bill was not sufficiently understood, and that it embraced such important principles, he did not believe it could be understood during the few remaining days of the

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session. As there was so much other important business which must be acted upon, he, therefore, moved to lay the bill on the table.

Mr. SILBEE observed, that the gentleman from South Carolina had, in his remarks upon dry-docks, said, that, in heaving vessels down for the purpose of repairing, great injury was done. He had often been led to observe this fact. It was the custom in building ships, to put salt between the timbers. In heaving down, the salt often became injured by being wet, and the seams were impaired. This was a continual source of injury, as every ship must, after remaining any time in port, be hove out before going to sea, first on one side, and then on the other. The strain, in doing this, was very great; and it was impossible, in most instances, to do it in the winter. He had heard many naval architects say, that they would not take the responsibilities upon themselves of heaving out a ship in the winter. In New England, this custom has been abandoned, since the erection of railways, and so great was the employment for those establishments, and such their advantage, that ships were often delayed a month for their chance in the railway; and it was also in contemplation to establish dry-docks. If a ship was now ordered to go to sea, it would be necessary to examine her, and make repairs. To do this by the former process much time must be taken up, beside the danger incurred in the process; while a vessel could be taken on, examined, and discharged, from a dock, in a few days, without the slightest risk or injury. He was therefore very desirous that this portion of the bill should be retained.

Mr. SMITH, of Maryland, said, he had never heard a clearer elucidation of a bill, than had been made by the Chairman of the Naval Committee; nor did he think a bill had ever been drawn in a more able or more careful manner. Every provision had been weighed with judgment, and he gave his entire coincidence in the measure. If he understood the design of this bill, it was the outline of naval improvement, which was hereafter to be filled up by Congress, as necessity required, or as should be thought fit. It took up certain great objects, and commenced a plan by which they were to be attained. The first provision in the bill was one of very great importance—the accumulation of timber. We have now in store, timber for the erection of a certain number of ships of the line. But when that is exhausted, what was then to be done? And suppose another war should overtake us: suppose Great Britain should again impress our seamen? We cannot shut up our ports as a means of defence, unless we wish to starve our merchants; but must meet them with unequal force. But if, by accumulating timber and other materials, we go on and build twelve ships of the line, retaining the means to increase our navy as necessity may require, we might then defy our enemies: we might say to England and France, thus far you may go, but no farther. If England in-

vaded us, we might throw into the scale the trade of France; or, if France invaded, the trade of England; and thus keep up the equilibrium of prosperity. Timber was an essential article for the increase of the navy; because without proper care and management, it became unsound, or so far exhausted as to make it difficult to obtain a supply. Of copper, he thought there was no need of making provision, as this country produced it in sufficient quantities for any emergency. If cordage was stored for future use, it would be lost by decay. Besides, there was never a scarcity of that article. So that he considered it advisable to pass the bill as it stood, and make any additions hereafter, as they might be suggested by experience. The subject of dry-docks had been so well and so fully treated by the gentlemen from South Carolina and Massachusetts, that he did not think it necessary for him to add anything in relation to it. He should only say, that although he was not fond of referring decisions to the Executive, under all circumstances, he could not but think that the committee had taken a wise course in this case. Had the location been left to Congress, it might have brought on a debate, which might have lost the bill. He remembered an instance of a debate which took place upon the location of a fortification. Every member had a favorite site, which was, in his opinion, better than any other; and it was finally found to be necessary to leave the location to the President. This was a polite manner of commanding the President to make the location, and it was, in fact, putting no individual discretion into his hands. He would do it with the advice of experienced officers, well acquainted with the subject, and would also apply to the Navy Board. So that, upon the whole, it was better to leave it to the Executive, than to be debated for in Congress. On the subject of the Naval Academy, the gentleman from Maine appeared to think it useless, as all the education required could be obtained on board ship. Mr. S. believed the officers would find but poor education there. There were many reasons why an academy was as much required to be attached to our Navy as to our army. Our army fight at home and do not need that thorough acquaintance with many branches of study, that is required by naval officers. Our Navy, on the other hand, visit all parts of the world, and it was necessary that the officers should be acquainted, not only with navigation, but with the French and Spanish languages. The former has become common in this, and in every civilized country. The latter was fast becoming so; and considering the intercourse which existed, and was fast increasing, between this country and the South American Republics, was highly important, and necessary to finish the education of naval officer. There were other branches of learning still more essential, and which could not often be mastered on board. He had known many midshipmen of talents, who had served seven

years, who had a thorough knowledge of tactics, and were in every respect promising young men, who could not pass the Board of Examiners for want of sufficient knowledge of astronomy and mathematics. Their situation alone and the absence of the facilities, prevented them from attaining the necessary qualifications. It was not to be supposed that midshipmen should be able to obtain all their knowledge of navigation, in a school. But Spanish, French, mathematics, and astronomy, they could attain there; and they would thus be enabled, when they were abroad, to appear in any society, to the credit of themselves and their country. A sufficient knowledge of these branches could be obtained in two or three years, and they then would commence their career at sea, and finish their education by learning the management of a ship, her guns, &c. As the midshipmen in the service of the United States could not rise by favor, it was plain that they must have merit to obtain promotion. As it was at present, they could not be promoted until after nine years' service; and they surely ought to have every facility to enable them to rise after that period, if they had merit to entitle them to advancement. To bring forward young officers entitled by their qualities to distinction, this school would have an admirable effect, and, in every view, it appeared to him as promising the most beneficial influence in advancing the character, and increasing the confidence of the people, in the right arm of our defences, and in adding to the composure and security with which this country would meet a future war, which, although now apparently far off, might, at some future period, visit us. Should such a time arrive, the chief means of repelling invasion would be found to exist in our maritime armaments; and then the nation would have cause to rejoice at the timely prudence that had strengthened the sinews and enlarged the growth of our gallant Navy.

Mr. NOBLE said, for his own part, he looked with a favorable eye upon this bill; not because he was to reap any peculiar advantages from it, but because the wise people of the present generation were now returning, and he was glad to see it, to the good old-fashioned John Adams system of national defence. He would not now stop to inquire who had formerly cast so much reproach and ridicule upon it; nor would he say what fanciful gunboat systems had intervened. Let them all pass—they were only worth remembering for the sake of the lesson that was to be learnt from them. In going back to former times, he might have asked what new terror had made gentlemen afraid to trust the President? Afraid to trust the President—to do what? Why, to do what belongs to his duty—to consult the officers about him, upon subjects which come directly under their observation, and make a decision from the advice he may obtain! He did not see what this fear could arise from, and it was

a new subject of apprehension. I am glad [said Mr. N. in conclusion] that our statesmen have at last come back to the naval policy of John Adams, notwithstanding the manner in which it has been traduced; and now they had done so, he hoped they would stick to it: for wisdom late found, was better than none. He rejoiced to see men of intelligence come out in support of the Navy, which he looked upon as the right arm of the country. He hoped its interests and welfare would be attended to, steadily, and permanently; and then, if war came, the country would know where to look for defence.

Mr. SMITH, of South Carolina, said he could not vote for the whole of the bill at this time. He wished to have that portion relating to a Naval Academy struck out. The subject to him was a new one, and it would be attended with expense, of the extent of which they were not yet aware. He thought the Senate should have more information on this subject before it acted. If this portion was stricken out, and time allowed to investigate the subject, he would vote for the bill. He, therefore, moved to strike out the 7th, 8th, 9th, 10th, and 11th, sections.

Mr. HAYNE said that he would give his colleague all the information in his power on the subject. The proposition in relation to a Naval School, was not a new one. It had been acted upon during the last session, had been recommended by the Executive the session before, and had also been most fully discussed. As to the expense, information was last year requested of the Secretary of the Navy, who had given an estimate, which it was supposed was as accurate as any computation upon the subject could be made. That estimate gave, as the probable cost of the establishment of the school, 30,000 dollars. The permanent expense of the establishment was computed at a much smaller sum than that required for the support of the Military Academy. Many of the professors of the naval school, it was proposed to select from the officers of the Navy, already in the pay of the Government; so that the charge for professorships would be comparatively small. The pupils were not expected to be as numerous as those at the Military Academy; and it was also to be taken into consideration that the sloop of war to be attached to the school, was not to be specially appointed for that purpose, but was to be one stationed on the coast, on actual service; consequently, the midshipmen and officers, while employed on board, would take the place of others, and thus be no extra expense, as the same number of officers must be employed, whether there was a school or not. On the whole, he thought the annual expense of the academy would not go beyond a few thousand dollars. He had said thus much for the information of his colleague. If, after all, he should not be satisfied, Mr. H. could only say that he should regret it.

Mr. H. further observed, that it was not sup-



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posed that the school would be, by any means, an expensive one.

The question on the motion of Mr. SMITH was then taken, and decided in the negative, 19 to 21.

Mr. SMITH, of South Carolina, said he was not now prepared to pass a bill so important as this, without a full investigation of its merits. He had not the honor of a seat in the Senate during the sessions in which this provision had been discussed. He was, therefore, unacquainted with the grounds which had been taken for and against it. He had listened to the eloquent remarks of his colleague this morning; but, in doing that, he had heard only one side of the question. As this was a time of profound peace, he did not think a Naval Academy immediately necessary. At all events, he wished time to consider the subject, and express his opinion upon it. He would, therefore, move to lay the bill upon the table until to-morrow, but waived his motion at the request of his colleague.

Some further conversation took place between Messrs. HAYNE, JOHNSON of Ken., and HOLMES; when Mr. JOHNSON, of Kentucky, having renewed the motion made by Mr. SMITH, of South Carolina—the bill was ordered to lie on the table till to-morrow.

FRIDAY, February 16.

*Naval Academy.*

The Senate resumed the unfinished business of yesterday, which was the consideration of the bill for the Gradual Improvement of the Navy.

Mr. SMITH, of South Carolina, moved to strike out the 7th, 8th, 9th, and 10th sections, providing for the erection and government of a Naval Academy. He had the honor yesterday to offer some objections to this feature of the bill, as worthy more mature consideration, for which he had wished it to lay over for a separate investigation. He had no objection to the other parts of the bill; but agreed entirely in the views entertained by the Naval Committee, of the importance of preserving a store of live oak timber for future use, providing thereby a permanent stock, to be kept until called for by future exigency. This object had been thought of formerly, and acts passed upon it. Whether the object had been fully attained, was very doubtful at any rate, he saw no objection to the passage of the present bill, so far as this object was contemplated. Nor did he find any objection to the plan which had been promulgated, in relation to dry-docks. He had believed, before he heard the able argument in their favor, of his colleague, that they were, if not absolutely necessary, at least very useful; and that, besides the services to be expected from them, they promised in the end, to lessen the expenditure of the Government for the repair of ships. Thus far, he went with the committee and their bill. But here he must stop. Useful

as he believed these provisions, he should not, on principle, vote for the bill, if the project of a Naval Academy were to be retained. To this project he had the most insuperable objections, founded, not only on theoretical speculations, but upon practical experience. It was true, that his colleague had said that the subject was discussed, and its merits settled in the Senate last year; but to Mr. S. this was no argument for letting it pass at this time. He was not present last year, and consequently the discussion was lost to him. If others had been convinced, he also required to be, before he could give his sanction to this contemplated institution. What he had heard yesterday, from his colleague, did not at all satisfy him, and he could not subscribe to the doctrines that gentleman then advanced, or the effects anticipated by him. There was already a Military Academy in this country; and as the plan laid down for the imitation of Government, in the formation of the Naval Academy, was drawn from the institution at West Point, he thought it would be but fair to deduce from the condition and effects of that already established, the measure of good or evil to be attained or feared by the erection of the institution projected. Whatever good tendency the Military Academy might have had upon our military character, or upon the organization of the Army, he believed there were many very sensible men who felt as much anxiety for the defence of the country as could be felt by any patriotic mind, yet who thought this military system carried too far. He believed, in 1802, the number of students at West Point was only ten, and it was then the sole object of the institution to rear Engineers for the purpose of surveying the vast country which we possess, and to elevate our Army in this peculiar branch of the science of war to a level with those of other countries. But the character of this institution changed as it advanced, by the operation of various circumstances, until, at length, we find it at the present moment, containing upwards of 260 students. He had thought that one of the laws relating to this Academy, had limited the number of cadets to 250; but, on reference being had to the Attorney-General, he gave it as his opinion that the 250 to which the number was limited, were in addition to the *ten* admitted by the law of 1802. Thus the number had risen to 260. And, to him, it appeared that this was carrying the military establishment too far. Did the United States want, as Engineers, all the men who would thus obtain military educations? Certainly not. Were they wanted to fill the ranks of the army? The army is now overflowing. What then was the necessity for such an overflow of military education? He was not one who would wish to stint the country in the means of defence; nor was he one who wished a military spirit to become too general. But for every useful military purpose he looked upon the vast expenditure to which the country was subjected by the Military



Academy, as, in a great measure, a useless waste. The question which suggested itself to his mind, was, whether all this education would make men victorious Generals; whether they could serve their country with a better chance of success? And to what but experience and facts could the question be referred? If we go back to history, we shall find martial feats achieved with as much gallantry and as complete success, as in modern times, with the exception perhaps, of a single instance. The fame of Julius Cæsar, and his victories, were in the mouth of every one. Yet Julius Cæsar was not reared up in a Military Academy. He was a Roman lawyer, knowing in his early life no more of military education, than did any other civilian of that city—but his battles have been looked upon as exhibiting consummate skill, as well as uncommon valor. But to come down to modern times, the Duke of Marlborough had seldom been equalled in his day for bravery and success; yet he was not educated in a Military Academy; nor was the Maid of Orleans, whose acts have excited wonder and admiration, acquainted with the rules of scientific warfare; but whether by witchcraft or valor, she contrived to overthrow the armies of England, headed by learned and experienced leaders. In our own times, even in our late war, where were our most successful generals educated? Where did Generals Brown, Miller, and Scott, or where did Colonel Towson obtain their education? Not in a Military Academy. They were taught in the field; and their talents and bravery pointed out the way to victory, better than any education they could have received. Without education, they displayed as much gallantry as was ever displayed in any age. Mr. S. believed the acts of Towson and Miller had seldom, if ever, been excelled. He would ask the gentleman on his left, (General HARRISON,)—he was not informed where he was reared; but certainly not in a Military Academy—whether, in the actions in which he was so successfully engaged, he found the absence of education any drawback upon bravery, or any bar to success? (He Mr. S.) was not a military man, and tacticians might say that he was arguing against the acknowledged lights of science. But give me a brave man for the deeds of war, and I care little about his acquirements. Proofs were before their eyes every day, to show that military talent would unfold itself, whenever an opportunity offered, without establishing nurseries for its cultivation. Who has behaved more gallantly, or fought more successfully than General Jackson? And was he brought up in a Military Academy? No. He was bred to the law, and sat upon the bench; and had gone no farther than to be a General of militia, until the late war. Yet, his achievements were equal to those of any general, in any age, and had added much to the glory of our country. These men, whose names he had mentioned, were accomplished gentlemen, their manners were polished; but they were not

learned at an Academy. They had raised the renown of our country to an equality with that of the most heroic nation; yet they owed little or nothing to education. What, then, was the necessity of an Academy to teach engineering when such men could be produced without it? Mr. S. said he had before him half a sheet of paper filled with a list of the studies attended to at West Point, taken from an able report upon the subject. (He here read them.) There were certainly many among them which would as well have suited any other course of education as military. He had asked yesterday what would be the probable cost of the projected Naval Academy; and he had been informed by his colleague that 80,000 dollars would probably cover all expenses. But this did not include anything further than the erection of the building, &c. Contingent expenses and current expenditures were not taken into consideration. The annual expenditure of the Military Academy was 80,000 dollars; the pay of the cadets amounted to 48,000 dollars—he believed it was nineteen dollars monthly pay. But it was worth while to ask who goes to this institution? And this was a delicate question, he would allow, because the truth was perhaps the most disagreeable thing that could be said. The sons of Members of Congress were the candidates, and in some instances, three or four were sent in succession. The sons of the Judges were also educated at the Military Academy. All men in power could educate their children at the expense of the Government. It was impossible that it should be otherwise, when it was only through Congress that the public could approach the institution. The members record their cadets, and it is then left to the Department. The members record, as a matter of course, their own sons or those of their friends. A few wealthy men wished to have their sons educated: they brought them up to the age of 14, with a common education, and then they are educated and entertained for five years at the public expense. About 60 left the Academy every year, and occasioned that number of vacancies to be contested for by members of Congress and others. Was this consistent with the first object of the institution? This system did not point out the advancement of youths who had given proofs of merit—but according to the influence and standing of those who recommend them. You educate a mass of young men, and who from among them goes into the Army? Now and then one. One, perhaps, out of twenty. And it was of some importance to know whether there could be no change of this system? Whether members of Congress were always to be called upon to support institutions in which they alone, or nearly so, were interested? Whether there should still be set before them this severe trial between their duties and their interests? I say, said Mr. S., you cannot resist this system. Resistance has been set up against it, but has universally been voted down; and in-

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stead of taking the sons of soldiers, who died in battle, and who thus have a collateral claim to the gratitude of the country, the sons of members of Congress, officers of the Government, and other great men of the nation, seem alone to be entitled to entrance at the Academy. The privilege of admission had become one of the instruments of Congressional influence, and by that alone would they be decided. As to the real utility of the establishment, its advocates might, he thought, be induced to abate some of their admiration, when it was known that many of the students, on their retirement from the institution, never thought of going into the army. Many went into the profession of the law, and other pursuits, for which the country need not have expended its funds. If, then, the students educated at the Academy were in no way bound to serve the country, to which they had been indebted for a good education; or if they were not wanted in the army, and therefore allowed to follow any other course of life that might suit them, why was the establishment maintained in its present extent? Why carry military education beyond the necessity for its application, unless it was intended to make our citizens all soldiers? He should not inquire what effect the education of five additional cadets would have hereafter on the Government. It was, however, a subject worthy of consideration. He would now come to the Naval Academy, which he considered so nearly of the same character as to be readily compared with the Military Academy, upon which he had detained the Senate so long, from the conviction that a statement of the operation of the one would aptly describe that of the other. He had made some little research since this plan had first come under his observation; but he had not been informed that such an establishment existed in any other country, from whom we were often fond of borrowing, and who held out to this country, in many important points, the light of experience. He believed that no such institution existed as yet—and it might reasonably be asked why England, so proud of her naval importance, and so loud in trumpeting forth her naval superiority, had never established a Naval Academy? Or why had not France, which had so often strove to raise a naval force, to defend herself from her old and habitual enemy, never hit upon the plan of a Naval Academy for the perfection of her officers? If he should be in error, in this respect—should it prove that such establishments did exist in England and France—at least England had produced naval heroes who owed none of their advancement or success to the education to be obtained in such an establishment. The celebrated Lord Nelson, on whose name the British people have bestowed so much honor, was not bred to the profession of which he was so bright an ornament; while playing on shore, he was put on board a ship, and there learned to conquer the enemies of his country. He did not idle away

his time at a Naval School, or amuse himself alternately at sea. He was not acquainted with all the abstruse sciences which had now become requisite for a naval commander; but he knew what was by far most essential, the science of being victorious. His friend and colleague had yesterday praised, with much eloquence, the intelligence of our naval heroes. But he (Mr. S.) had thought that some of our most accomplished heroes were unacquainted with the studies of an academy. At the beginning of the war with Great Britain, our Navy consisted of a few ships, five only of which were frigates; and it was confidently believed that the British, with their thousand ships, would blow this paltry force out of the water in a month. Yet, in this small way we began; and through the activity of our Government, and the bravery and enterprise of our officers, and seamen, how different was the result! The Navy went on increasing in numbers and in glory, and the deeds of its commanders shed a lustre over the country. The heroes who won the laurels in those conflicts, were never excelled in all the characteristics of heroism. Where were Hull and Bainbridge raised? Was it in an academy that they gained their knowledge of ships, their dauntless courage, and presence of mind, or the address which ensured their success? They were, if he did not mistake, engaged, previous to the war, in the merchants' service—having then no Navy of any importance; and we were obliged to take such men. Nor did they fall short of any more educated officers. Where was Decatur reared? Not in a Naval Academy. His education was obtained at sea; and in the early part of his life he pursued a corsair off Tripoli, and avenged the death of his brother, in a manner so heroic, that the deed was numbered among the most brilliant feats of modern chivalry. And he would ask whether, if, as had been argued by his colleague, the Naval School would polish the manners of the officers, it could make them more accomplished than were those gentlemen whom he had mentioned, or indeed than any of our naval commanders? The manners of those officers were such, to use the words of his colleague, as would "grace any drawing room." Have we any reason to regret that their education was not more perfect; or is there any deficiency to be noticed in that respect in their public services? There was not one instance, in the whole course of the war, in which they did not act with the greatest gallantry. Even down to the privates, there was a devotedness to the service, and to duty, displayed, which claimed the praise and admiration of the country. Do these facts, said Mr. S., argue the necessity for a Naval Academy? Our naval officers have thus far gone to sea, and learned their duties there, where they were to be performed, and not by nursing themselves in idleness on shore. They could do so still, and it would be better for the ser-

vice. They were brought up in the school of adversity, and were early taught, by service and danger, to scorn the hardships and defy the vicissitudes of the sea. Men, tutored in this manner, were ever at their posts; and in troubled times might be depended upon. It seemed that this Academy was to make room for a great many midshipmen, in addition to the present number. And why was this addition to be made? The ships were already full. Only a few days since, he (Mr. S.) applied for a situation in the navy for a young man of fine qualities, and was told that there were no vacancies. How, then, was it necessary that an establishment should be made for the education of midshipmen not in employment? How was it necessary to erect a Naval Academy for the instruction of young officers, when no room remained for them, as the situations were all filled? The United States Navy would soon comprise twelve ships of the line and fifteen frigates. And where were they? They were, some of them, laid up, and the reason given for it was, that there were not officers enough to man the whole of our ships. He saw, himself, a few years since, two of them covered up at Boston to keep them from the weather. There was also one in Philadelphia, and one in this city, in the same predicament: the house to cover one of which cost seventy thousand dollars. And Congress appointed officers to man those ships when there was no use for them, and they were allowed to spend their time in idleness. Where are your midshipmen? They are staying on furloughs from year's end to year's end; amusing themselves wherever they are inclined to go, without a thought of their duty. These were not the men, who, when called suddenly into action, would do their duties with good effect. No; the men who were to be expected to perform those signal acts of skill and bravery for which our Navy had hitherto been characterized, were of a different mould. They were not those who were closeted in their studies, in learned ease, and there acquired a knowledge of the management of ships. They must be able to dare and to do. Theory was useless to them without practice: and that practice was to be had on the ocean alone. Mr. S. thought this provision misplaced in the present bill. It contemplated a new principle, and he thought required separate investigation, and to be the subject of a distinct bill. He apprehended that the subject of the Naval Academy was not matured. There were many important questions in relation to it, yet to be settled. Who was to go there? Where were two hundred and fifty midshipmen to be chosen, when the ships were already full? In case of war, these officers must be withdrawn from the Academy. Their requirements, however, would hardly fit them for active service: and it would be found that accomplishments which would fit men to appear to advantage in the courts of France and Spain, would not be of much value in active

service. If our officers are to prepare for any thing, it is for war—and not to become ambassadors at foreign courts. Enough of them could be found in other walks. The Navy does not want a host of tender youths, carefully nursed and indulged in a quiet life; neither did it stand in need of a troop of silk-stocking gentry to lead to battle our hardy seamen, who would look with contempt upon trifling or effeminate leaders. These are not the men to add to the victories already achieved. As to the filling up of the school, he believed that it would be done in imitation of the process in gaining admission to West Point. Members of Congress, and their friends; officers of Government, &c., would be the first on the list. Their fathers being great men in the nation, it would be supposed, as a matter of course, that the sons would also be great. But this was not always the case. The race of giants sometimes dwindled; and the sons of great and wise men often proved any thing but great and wise. The sire may be a man of talents, and the son a dunce. Even the renowned Tully, whose eloquence gained him the admiration of Rome and of the world, expended great care and expense in educating his son Marcus, who, after all, turned out to be a blockhead. So it would frequently happen. This would fill the institution with lads of every character: some with a disposition for the business in which they were to be engaged, and some of a different character. The establishment would be filled by the sons of rich men. Every wealthy individual, who had a chubby-cheeked boy for whom he had as yet chosen no profession, would send him to the Naval Academy. The genius of men was often discovered by chance; and to this the United States was probably indebted for much of her naval talent. Perry, McDonough, and Rodgers, whose names he had not yet alluded to, were not educated to the profession. He believed the latter had been a farmer until he was of age. Merit promoted him; and as there was no disposition in this country, at large, to elevate one man at the expense of another, through an idea of hereditary superiority, he saw no reason to doubt that merit would hereafter raise, in a similar manner, men whose natural abilities fitted them for any particular station; and that a sufficient portion of the talent of the nation would be directed to the cultivation of naval science. But supposing that the disposition and talent for the profession were capable of being produced by an education at a Naval Academy, there were still branches of naval knowledge which could not be attained in such an institution. The navigation of a ship could never be learned on shore, nor could a man be made a good seaman in an Academy. Much had been said of the sudden rise of our naval power during the last war; and just encomiums had been passed upon the officers whose conduct had elevated its character so high. But who gave the first impulse to the Navy?

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It was not the Government: it was not capable of producing the effects which resulted from it. The men who raised and sustained its high character were peculiar in being fitted for what they performed. They were not brought up in academies; they were nursed on the ocean, and familiar with its perils. The intelligence which they possessed, and the polished manners which it is supposed are attainable in a school, were gained in a continual intercourse with the world. Go to your wharves, said Mr. S., and you will find that the sea-captains in your merchants' service are gentlemen: they have become so by constant associations with men of various nations. In most instances, you will find them highly intelligent; and the knowledge they possess is of the best and most useful kind—because it is practical. The merchants' service is the great school in which naval officers and seamen are to be instructed; and it is dangerous to close the Navy to those who are educated in it. He looked upon the endeavor to establish a Naval Academy as likely to jeopardize the safety of the essential principles on which the Navy of the United States is founded. The preliminaries only were settled by the bill: all the details were to be left to future enactments, or to Executive discretion: such as who should be the pupils, and what the expenditure of the Academy. It was not that he would intimate that any fear was to be entertained of the present Administration; but others were to come after, and what is here begun, as a small matter, may result in great injury to the service to which it is attached. Was Congress to establish an Academy to be under the direction of one individual? Or in what manner would the details be decided upon? These were questions which appeared to him to be of moment. He was a friend of the Navy, and was in favor of every measure which would really tend to its benefit. Every other provision of the bill appeared to him salutary and worthy of support: but he could not give support now to the simple declaration of Congress that there should be a Naval Academy, without any details being fixed upon; leaving all future arrangements for carrying this decision into execution unexplained. The details were important, and ought to be settled. If this provision was struck from the present bill, he should vote for it—otherwise he could not. He was convinced that the whole bill went too far, and that its great error was the proposition for an Academy, which ought to have been reserved for separate consideration.

Mr. HARRISON said he should content himself with a few observations in reply to the gentleman from South Carolina, and should confine himself chiefly to the remarks of that gentleman in relation to the Military Academy and its results; and the bearing which those remarks had upon the project of a Naval School on similar principles. He has called on us to say whether the events of the late war

do not show that such institutions are needless. To this, as a military man, I cannot refrain from putting in a negative declaration. Whatever the experience of other Generals may have been, said Mr. H., I can say for myself that, had it not been for the science and skill attained at a Military Academy, I should probably never have enjoyed the honor of addressing this body. I feel proud to say that the defence of Fort Mifflin, at which I commanded, chiefly depended upon the scientific exertions of a man to whom it is due that his worth should be here attested by me. I allude to the late Major Wood, a man who combined many valuable qualities, and who bade fair to have risen to a high point of professional eminence. Your commander had not sufficient science to have so successfully defended the post without the assistance of that individual. So far, therefore, as my experience goes, I am totally at variance with the gentleman from South Carolina. He thinks that an army can as well be commanded by an ignorant as a learned man. This position I deny to be correct in military any more than in other affairs. There have been instances, it is true, both in ancient and modern history, of ignorant men, who cut a considerable figure in military pursuits. But experience has shown that the fame acquired by such men has generally been obtained in operations against greater blockheads than themselves. The allusions made to the Roman Generals, was, he thought, peculiarly unhappy; for they were universally educated in schools where all the arts of war, and all the athletic exercises, fit to train men to masculine pursuits, were imparted to them from their infancy. And the great Roman orator, to whom the gentleman has alluded, was also a General. An instance of the power of science, in opposition to strength, and a strong proof that ignorance was not always successful, might be found in the battle of Cannæ. But, instead of seeking out the few cases in which ignorant men have been successful warriors, let us look at the vast number of instances in which individuals have established great characters for military achievements. In all the instances of great military renown, we find that it was obtained by the influence of the very qualities which the gentleman entirely undervalues and disregards.

As to the objection made by the gentleman from South Carolina, that the sons of rich men alone went to the Military Academy, Mr. H. was as strongly averse to such a practice as the gentleman himself could be; and in the other House, on a former occasion, he had made a proposition that the sons of soldiers, who had served their country, should be chosen as cadets for West Point—but it was rejected. As to the battles gained by ignorant men, they were generally explained with much ease. They either arose from some lucky accident, or were achieved over an adversary possessing even a less degree of skill and judgment.

Sometimes, also, great intrepidity, without judgment, gained great advantages; but it was unsafe to trust in such good fortune. A cautious and skilful adversary would not be overcome in this manner. Besides, those qualities which, in a lower grade of military rank, are useful and of great service, do not suffice in a commander. The talents which mark the character of a General, are not of the same grade with those of a subordinate. The former requires a great fund of natural common sense, quickness of perception, minute acquaintance with human character, a power of inspiring his soldiers with confidence in his directions, and of sustaining discipline amongst them. He must be able to understand the character of his adversary, so as to take the best advantage of his movements. It was true that a man who was not a proficient in military science would sometimes be as well calculated for the general direction of an action, or for the assault of a place, as a better educated man, because experience and sound judgment would supply the place of science. But, give to such a man the duty of arranging and constructing the works necessary for the defence of a post, and he would, said Mr. H., be as deficient as myself. Such an idea as this might be slighted by those who were unacquainted with military affairs, but considerations arose out of these facts, of great importance. In an army, the perfection of all the parts was the only sure ground of reliance for success. Therefore it was essential that science should be generally diffused among its officers. For, after all, the best plans were often overturned by slight accidents; and the greatest victories often depended upon the promptitude, the intelligence, and the judgment, with which the subordinate movements were made. Thus the greatest science in the General might be rendered useless, by the want of skilful officers to carry his commands into execution.

As to the naval officers, to whom the gentleman had alluded, Mr. H. believed he was, in some of his remarks, in error. For instance, Commodore Decatur did not enter the Navy until he was grown to manhood, and had received a good education. It was also within the knowledge of Mr. H. that Perry was an educated man. It was an argument which had rather surprised him, that education would not render our officers more devoted to their country. He thought, on the contrary, that a liberal course of instruction would serve to attach them to the country. There were other considerations of some importance. Numerous instances might be cited in which the characters of men, engaged in warlike pursuits, were humanized by education. Besides, it was too late in the day to endeavor to depreciate the benefits of education in any class of the community. By that alone were the free institutions of our country sustained; and when the great objects of science should have been neglected, he should consider this country on

the high road to destruction. He could safely say, from a personal knowledge of the facts, that the school contemplated in the portion of the bill now under discussion, was of the most immediate necessity to our Navy. He had conversed with many midshipmen, and he found that they were generally of that situation in life in which their parents could not afford to educate them. The Navy was not a service into which rich men sent their sons; and it seemed but proper that the Government should prepare the officers in their youth for the duties which they would afterwards be called to perform. He felt none of the dislike expressed by the gentleman from South Carolina, to the indulgences granted these young men, or the genteel appearance which they were properly ambitious to support. Mr. H. wished them to be, as far as possible, accomplished men, who would, in foreign countries, do honor to the American character. They had shown a laudable zeal in endeavoring to improve themselves, as he was informed that the system had been generally adopted by the officers of the Navy, to set apart a portion of their pay for the purchase of books. Even this, he had no doubt, was productive of much good to the country, as it conferred much credit on the officers themselves. Many of our naval officers had shown themselves well acquainted with the laws of nations, and their communications with foreign powers had redounded to the honor of themselves and of the nation. Certainly these men deserved the favorable consideration, and the most liberal treatment from the Government. The country was in every respect interested in preparing them, by a proper education, for the arduous and perilous duties, to the performance of which their lives were devoted. Therefore, he considered the section of this bill, which provides for the establishment of a Naval School, one of its most valuable features, and he hoped it would meet the sanction of the Senate.

Mr. HAYNE said he could not, by reason of indisposition, go into the argument at any great length; but he could not allow this discussion to pass by without some notice, and a statement of his dissent from the views of his colleague. He has argued that some great and distinguished men have existed, who were not indebted to the education of an Academy for their eminence. He might even have gone farther, and shown that great men have appeared at various times, who raised themselves entirely by the force of natural genius. There are many cases of this kind, where highly gifted men, who came from the hands of their Creator with great qualities, have triumphed over their adverse conditions, and been enabled to educate themselves, at least in the pursuits in which they have excelled. But does it follow from this, that education is of no utility? Certainly not. Such men as he had described, who had known the want of early or systematic instruction, were always to be found

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among the most strenuous advocates of education. Franklin was an instance of this. He was deprived of early education, yet his whole life was, in various methods, devoted to its advancement. Gen. Jackson had never received any scientific instruction in military pursuits; but he had been heard in this very Hall, to support the interests, and defend the objects of the Military Academy. Generals Brown, Scott, and Towson, were also deprived of the benefit of a scientific education, and yet were among the warmest advocates of the Military Academy; and, indeed, there was no officer of eminence who was not absolutely friendly to that institution. Was it to be supposed, that, because great men had distinguished themselves without education, that it might be abolished? Or could it, from such premises, be argued that it was useless? Mr. H. then enumerated several striking instances of individuals, who had distinguished themselves without the benefit of regular education in naval science. But he observed these individuals obtained by practice, by the quickness of their perceptions, and the closeness of their observations, the skill and experience, by which they were insured the victory. It was nautical skill which led to all these triumphs. It was the very quality, although obtained in a different way, which his colleague thought of no importance. Every gentleman who had experience in these matters, would reply to those arguments in the language of the gentleman from Ohio. Men who had been in actual service, knew well the value of science and education, and those who had wanted them most, were the first to acknowledge the disadvantages resulting from their absence, in the direction of warlike operations. To contend that, because, without these requisites, victories have been gained, they are useless, would not be less unreasonable than to declare, because the Maid of Orleans triumphed over the enemies of France, our defence ought to be intrusted entirely to women. Had his colleague referred to the bill itself, he would not have needed to ask *who* would go to a Naval School, were it established? It provides that the midshipmen of the Navy, already in the service, shall be entered there. Hence, it would not be devoted to the sons of the rich, as had been intimated. The midshipmen, at present, are educated by the chaplains, on board the ships. Their education was very deficient, and they were deprived of almost every description of apparatus. Instead of this very imperfect system, should a Naval School be established, whenever a boy was admitted into the Navy, instead of being sent directly to sea, he would be placed in the school, where his mind would be formed, and his attention engaged in the theory of nautical science. All the rudiments of his profession will be taught him in advance, and he will go into actual service prepared to apply this knowledge to practice. While at school, he was not to be entirely deprived of an op-

portunity of becoming acquainted with the element on which his services, in after life, were to be required. A vessel was to be stationed on the coast, in connection with the institution, in which it was intended that the pupils should make short voyages, by turns, to teach them the management and organization of a ship and its crew. After a regular preliminary course of studies, they would be sent to sea, for a term of four or five years; and on their return, would again, instead of spending their time in idleness, be re-entered at the school.

As to the supposition that it would be merely a place of amusement, he would observe, that, if the institution was governed like that at West Point, it would be no place of amusement; but one of laborious study, and constant improvement. His colleague argued correctly, that, if the Military Academy was not useful, neither would a Naval School be so. But Mr. H. considered that to be a conceded point, and that the merits of that establishment had been thoroughly tested. Whether there was or was not any foundation for the complaint of favoritism in the appointment of cadets at West Point, the bill on the table would not extend or increase favoritism. It would not add a single individual to the list of midshipmen; but provide for the education of those already in the service. He had thought that the talents of the youths who were to be admitted to West Point was the first recommendation, and their being the sons of Revolutionary patriots the next. He had never offered but two candidates for appointments to West Point. One of them was the son of a Revolutionary soldier, whose family was left destitute, and he received it. The other was still pending, and was a similar case of a destitute family. He repeated, that, whatever might be the inexpediency of the manner of making those appointments, it did not apply to this bill, as no direction was given as to the appointments. In conclusion, Mr. H. said, he was happy that his colleague agreed to the general objects of the bill. He should have been still more so, had he been in favor of the section now under consideration, and was sorry that he threatened its rejection from the bill. The committee considered it best to incorporate all the objects which appeared to them important, in one bill; and not one of them appeared to him to promise more benefit to the Navy, or more calculated to elevate and improve it, than the establishment of a Naval School. The opinion of the Senate would be tested by their vote; and as he could not believe that the bill would be lost by retaining the section in question, he saw no reason for presenting it in a distinct form.

Mr. SMITH, of South Carolina, in commenting upon the West Point Academy, read several documents relating to that establishment, its expenditures, arrangements, &c. The gentleman from Ohio knew better than Mr. S. the value of education in officers of the army; nor

was he disposed to doubt that Major Wood had rendered that gentleman very important services in the defence of Fort Meigs. But he did not doubt that fort would have been defended even without the assistance of that officer. The gentleman mistook him in supposing that he believed ignorant men as capable of the performance of military enterprises as learned men. But it was not necessary to confine all the learning to the Military Academy. There were plenty of colleges in all parts of the country. Fifty cadets were sent out each year to act as engineers, and to fill vacancies in the army. Yet there was no fear of war. Who, said Mr. S., is to come and make war upon us? Will the Holy Alliance do it? They combined to put down certain principles in Europe, but they have never dared to interfere in the affairs of America; and it did not appear to him that any other power or combination would attempt it. It was well known that some of those West Point engineers, who were now crowding the army, and crowding the woods, received double pay for their services: one pay in the line and one in the woods, where they employed themselves in making what they term *reconnoissances*. In 1821 the army was reduced to its present form; and the President of the United States announced, in the year succeeding, that the organization had been found expedient, and its effects beneficial. Yet we go on to increase the officers, as if in contemplation of an extension of the army. An officer had told him (Mr. S.) that he was from Green Bay, and that there were a number of these engineers at that place, keeping out of the way, and doing nothing under heaven. [Mr. S. here read some further extracts from the documents, stating the course of studies, &c.] He wished to know what the West Point cadets had to do with the French and Spanish languages. He thought they were educated to be soldiers or engineers. His colleague looked upon science as all sufficient in naval officers. He did not deny that it was an advantage; but that was no reason why a midshipman should go from the ship to a college. It was not there that this education should be sought. Besides, it wanted different pursuits; and the science of the Navy must be taught at sea. It was not education alone that made a great commander. He wanted native talent and industry. There were innumerable instances which would prove this position. General Washington was only a decently good scholar: and, although Bonaparte was educated at the Military Academy of Brienne, his career could not be attributed to that cause; for he had displayed a military genius even in his infancy. And when, afterwards, he crossed the bridge of Lodi, at the head of a few followers, and planted his standard on the enemy's walls, he displayed the natural spirit and intrepidity of his mind. No studies at a Military Academy would ever have taught him the rule for performing that desperate action. He

did not think that education disqualified young men for action; but he did think that they might be penned up until they were disqualified. No military leader ever had such commanders to fight his battles as those of Bonaparte: yet he went on a different principle. He selected them from his army, and it was by his judicious selections that he gained many of his victories. He did not plead for ignorance; but he repeated that our system was for the education of the rich, and not equally for all classes. He did not reproach the rich for endeavoring to ensure to their sons a scientific education; but it was a reproach to the country that these favors were not more equally dispensed. All our experience has been adverse to the system of scientific education for military men. Washington and Jackson surpassed, in their achievements, all our commanders, and theirs were not scientific conquests. The latter, at the battle of New Orleans, did not depend upon his military education. He was among his men, giving a good example, and sharing their dangers. He did not take a safe position, and send off orders to be performed by his scientific officers. But, with him, planning and executing went hand in hand; and I say, said Mr. S., that the victory achieved by him at New Orleans was never surpassed by Napoleon. To return to the Naval School, it appeared unnecessary, because there was education on board already. The midshipmen are instructed in all the necessary branches, and are thoroughly examined in mathematics, and other branches of science, before they are received. Their instructors are the chaplains of the ships. The President appoints these chaplains, and yet the gentlemen say, that education has been so much neglected, that a Naval Academy is wanted, although the chaplains must have much leisure to devote to the duty of education. They are the proper men for this task. If they are not, it is the fault of the Senate. And if they neglected to send good men into the Navy, in this capacity, would they do any better if a Naval Academy were established? As to accomplishments, said Mr. S., I am willing that our naval officers should become accomplished, as far as was proper and compatible with their line of life. But he did not wish to harbor a host of idlers, who would do neither themselves nor the country service. If we look at the list of cadets at West Point, how many of them go into the army? I have said, observed Mr. S., to parents who have applied to have their sons placed there: Why do you not educate your children at home? They have answered that it was more easily done at West Point. As to the project now before us, I say, that the water is the element for the Navy. Do not bring your naval officers on land. If their present education is not sufficiently attended to on board, the fault can be amended. If the President does not do his duty—if he nominates a blockhead to fill the office of chaplain, it is his



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fault, and he is responsible for it. I know of very few who go to West Point for any other purpose but to finish their education, and it will be the same in a Naval Academy. They obtained at West Point every accomplishment, with the exception of dancing; and he had understood that a dancing-master was much wanted, who would doubtless improve the young gentlemen very essentially in their knowledge of tactics. In conclusion, Mr. S. said, that he approved of the other provisions of this bill; but, for the Naval School, which was here proposed to the Senate, in a vague manner, without details, he could not vote. If this portion of the bill were retained, he should not vote for the bill, which he should otherwise be disposed to do.

Mr. Macon said he felt bound to say something in relation to this bill. The Naval School now proposed was one of the steps which the Government was taking towards a state of things which he dreaded. About appropriations, said Mr. M., I shall say nothing; because you all know my conduct. I ask, is this Academy wanted at this time? And I ask it because the Chairman of the Committee on Finance says the revenue is short; and if it is not necessary at this time, it had better be let alone. It was said that it was but a small sum that was required; but it was in this way that our revenue was taken from us, drop by drop. I would ask one question in relation to this law. Have our naval officers ever shown a want of knowledge in the science of their profession? If not, where is the peculiar necessity, at this time, of providing an establishment for their education? Battles are generally won by the exercise of coolness and good sound common sense. I have no idea that an elaborate education is required to make a man fight a successful battle. The greatest fool I ever knew was the greatest classical scholar. In support of this position, if the Senate will indulge me, I will relate a story, the truth of which can be vouched for: When Governor Tryon was in office in North Carolina, his wife was said to have rather more knowledge—of human nature, at any rate—than her husband. He took two young men into his office to study the law—one was from Rhode Island, and the other from Virginia. Mrs. Tryon, in conversation with these young men, asked them about the great men in their States. Well, they told her over all the men who had great characters for classical learning; but she said she had heard of Colonel Caswell and—[the name escaped the Reporter.] Oh, said they, these are merely men of common education; they have no science and no learning: in fact, they are ignorant men; and one began life as a constable, and the other as a clerk in a parish church. One of these men had distinguished himself in battle, and both were skilful commanders. There were two other men, said Mr. M., who were never beaten by the enemy, who had no pretensions to education, and, in fact, had no

great need of it. But I forget the end of my story. Well, it happened that these two persons came to Governor Tryon's house, and, at dinner, Mrs. Tryon sat between them, and kept them in conversation. After they had gone, she said to the two young men, "I thought you told me that those gentlemen were uneducated. I find it quite otherwise." The two students maintained that what they had said was true, and she concluded the conversation by saying, "that God had educated those individuals, and done it better than it could have been done by any college in the world." Mr. M. doubted whether the greatest man in the country would have been improved by education. He might have been made greater in the fixing of periods and the framing of sentences; but he would not have been made greater in mind, by all the books in the world. The rounding off a period is not the most perfect sign of greatness. Such a perfection would have made Patrick Henry less great than he was. His genius would have been trammelled by classical study. So it was with Franklin. His want of education probably made him the greater man. It has been said that the old women beat the doctors; and I think it applies to other pursuits as well as that of medicine. One thing he was very much opposed to; and that was, the Executive discretion—which was introduced into this bill, as well as most others. New things were continually brought forward; and it seemed to him that the Navy was to *tote* all the rest through—I say *tote*, as it is a word which is understood in the Southern States. I don't think of the Navy as others do. I do not believe that any Navy was ever built for defence. It is intended for conquest; and I don't wish to conquer other nations. We have gone far enough in acquiring territory. We began with Louisiana, and the Western people were satisfied with its purchase. Next we acquired Florida; and now we want Cuba. As to preparing for war in peace, I don't believe in the propriety of the system. The moment we get through one war, we prepare for another; and when people are ready for it, they are sure always to fight. Now, in relation to the supposed necessity of educating naval officers for their profession, I am not one who thinks it in any way necessary. And, on this point, let me say, that most of the great naval commanders have been uneducated. De Ruyter was a cabin boy, and rose to command and conquer by dint of that thing of which I have been speaking, which God gives to people. In this way of preparing for war in time of peace, you have nothing to support a war with when it comes, and the country is inundated with paper money. We talk about the example of England. But I do not wish our imitation of that nation to go too far. Look at her condition. With a fine country, she is overrun with paupers. She has to keep up her army and navy, and support her poor. The people of this country are taxed hard enough now. They



want no more expenditures to increase the taxes. But we are told that this college is to cost nothing, or next to nothing: for the gentleman from South Carolina says there is to be no extra expense. Well, sir, it is always so. When we begin any expense, it is very small—very trifling—but as we go on, these things grow with our growth, and strengthen with our strength. And I think that, if this provision is adopted, there is not one here who knows any thing of the sum which this school will cost. It is a very easy way to get rid of the responsibility of legislating, by leaving the details to Executive discretion. But there were many things in relation to this establishment, if it were to be authorized by Congress, which ought to be looked to. It ought to be decided who the cadets should be, who went there. And if they go, they ought first to be sent to sea, to discover whether they have a gift for the profession—for I am a great believer in gifts—and believe that not only poets, but heroes are born to their trade. I say, said Mr. M., that the cadets at this projected institution will be, as they are at West Point, the sons of rich men exclusively, or nearly so. Well, sir, what will you do with all these restless spirits, after you have taught them the trade of arms? Can you expect to keep the country at peace, when it is full of soldiers? Don't you see that these men must have fighting to do, to keep them from doing mischief? I had a list of the sons of the dignitaries of the empire who were at West Point; and I should really be afraid to show it. Is this the way to seek out military talents? to take the son of every great man, and leave obscure abilities to lie idle? It is a bad system. I believe there is talent in the country for every emergency—and I believe we shall never have better officers in the line, than we had in the Revolution, when education for the military service could not be had. You must appoint officers that your men will follow—men that can command their soldiers. Courage, after all, is the requisite quality—and of that we have a great plenty. Courage is like cider, it is good for nothing until it works; and true courage never begins to work until it comes near the enemy. A man may be very good at planning, and in the sciences, and yet not good for fighting. We are told, that this education for the Navy, is to cost nothing—and that the establishment is to do great good without any expense. These are very fair promises—but, does anybody believe that they will hold out? Did we ever count the cost of any plan—or stop at any increase? We are always advancing in expense. We have just raised the salary of the Postmaster General to \$6,000, although he had enough before. I recollect when Gideon Granger was in the office, it was proposed to raise it. A gentleman from Pennsylvania asked if the salary was enough for the office, and the duty. It was answered, yes—but it was not enough for the man. "Well, then," rejoined the gentle-

man from Pennsylvania, "let him resign, and we will get another." They had within a few years created a Board of Navy Commissioners, which was to be a saving also; but it turned out that they got good fat salaries, and so will the professors of your Naval School. They won't work for nothing. Formerly two men were sufficient for doorkeepers, &c., to the two Houses; but now there is a regiment. I recollect, said Mr. M., and the gentleman from Maryland (Mr. SMITH) remembers it too, when the clerks, in the offices of Congress at Philadelphia, had to work at night. Now we decrease the labor, and increase their numbers and their salaries. Our greatest misfortune was, during the war, that we had no men of experience. It was said, that some of the officers were too old, and had forgot what they once knew. Then there were the young men who had no experience, and between them we were found very deficient. The gentleman from Maryland says, that the cadets at West Point are all poor men's sons. I would ask the gentleman whether these poor people had no rich kin, or whether their ancestors were not rich; because the rich always have the preference, and are taken first. I shall go, said Mr. M., no farther. These are my thoughts on the establishment of a Naval School, and as nobody had previously expressed them, I thought it my duty to do so.

Mr. HAYNE said he rose with no other purpose than to correct the gentleman from North Carolina. I did not say, as the gentleman supposes, that the establishment of a Naval School would require no extra expense. I said merely, that, with regard to the pupils, there would be no extra expense, because, as they are now in the service, they would receive the pay only which they would receive were there no Academy. But there will be an additional expense for professors and teachers. The bill proposes that the President of the United States shall form a plan for the institution, to be submitted to Congress at the next session. The details were, therefore, not now before the Senate, and the whole matter would be before them next year. There was another misapprehension in the remarks of the gentleman from North Carolina. He supposes that there was no deficiency in our officers. In this he was mistaken. It was that deficiency which suggested the idea of a Naval Academy. The gentleman from Maryland had correctly stated, that many of our midshipmen were found deficient in mathematical knowledge, and it was because they had no advantages for the attainment of the science. It was said by his friend from North Carolina, that some men came from the hand of their Creator, great, in despite of the absence of education—that God made them great. This was true; and such minds usually broke through the trammels of their condition, and became distinguished by the mere force of genius. But what shall we do with the large mass of minds of a common

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order, unendowed with these great natural qualities? Their humbler talents must be turned to serviceable account: for splendid talents are not sufficiently abundant to supply the ranks of any profession. If we agree in this, then education is important. If we refer to military matters, we ought to consult military men: if to naval affairs, we ought to ask the opinions of our naval heroes—and they believe that the plan now proposed is the best, for the interests both of the service and the country.

Mr. MAOON said, in reply, that he was convinced of the fact that there was no deficiency in the officers of the Navy. He had been told by an officer of the Navy, many years ago, that Congress was ruining the Navy. He said there were officers called Congress officers, who were appointed without the proper qualifications, and that circumstance gave rise to the regulation that midshipmen should not be promoted until they had been examined.

The question was then taken on the amendment offered by Mr. SMITH, of South Carolina, and decided in the negative.

SATURDAY, February 17.

*Ohio Turnpike.*

On motion of Mr. HENDRICKS, the bill to authorize the United States to subscribe for stock in the Columbus and Sandusky Turnpike Company, was taken up.

Mr. SMITH, of South Carolina, was opposed to the project. If no other person would raise a voice against this system, he should consider it his duty to do so. They had given the States land, and he thought it might be proper to give again: but the Government ought to keep out of these pernicious co-partnerships. They had subscribed for canal and road stock in many instances, for no other purpose than to assist the companies to complete their works, not to share any profit; and, after having paid their share of the expenses, then they sold out their stock for a song, and left the companies to reap the benefit. Congress was fast becoming a finished stock-jobber; falling into every project that was set afloat, and it was not improbable that the next that would be known, the United States would be deeply engaged in the Woollen Manufacture. They had already engaged in banking, and were speculating largely in bank stock—and Heaven only knew what they would engage in next. He was an enemy to these schemes, and he would repeat it—give land if you will, no matter if you give ten sections on each side of the road; but keep out of these profitless partnerships.

Mr. MAOON remarked, that he saw in his seat a gentleman, who, he believed, was one of the first settlers of Tennessee, and also one who knew something of the first settlement of Kentucky. That country was well settled before the war: and how was it settled? The United States made no roads for the people: but, somehow or other, they got along without

them. How was Pennsylvania settled? and, indeed, how were all new States settled at first? Why, they had to work their own way, and do as well as they could. It was a new thing to him, this making of roads; and he thought it going a step too far, and anticipating prosperity. Indeed, every thing seemed to him to have changed, of late years, in respect to the new States, and certainly, he thought, not for the better.

Mr. BERRIEN said that, as he understood the bill at present, this was a donation to the State of Ohio, of a quantity of land, the value of which had not been stated to the Senate. He wished to inquire the value of the land which it was now proposed to give away; and, also, what security Congress had, that it would be applied to the objects contemplated? Until these items of information were obtained, the Senate were legislating in the dark, and were granting to the State of Ohio a parcel of land, without any guarantee that it would be devoted to aid the construction of the road in question.

Mr. HENDRICKS remarked, that this was said to be a donation; but he considered it to have been given in the same manner as the land in aid of the canals; and that the United States would gain a benefit from it, in the enhancement of the value of the contiguous lands. In this case, two sections deep of land were given on the west side of the road, while all the land on the eastern side was the property, still, of the United States. As to the lands, they were mostly wild lands, and, he believed, they were in the market at the minimum price of one dollar and twenty-five cents. This was all the information he could give; but he would refer the gentleman to the petition of the Legislature of Ohio, which was on the Secretary's table. In regard to the guarantee which Congress would have for the proper application of these lands, it existed in the good faith of the State of Ohio, which, he thought, might be considered sufficient. It would also be observed, that the land was granted expressly for the purpose of aiding the road, and it could not be applied otherwise. As to the time of making the road, he saw no objection to limiting the State in that respect.

Mr. CHANDLER said that the project was, in his view, altogether inexpedient and improper. The State of Ohio contained a population of 800,000 souls, and yet they asked for assistance to make a road; and demanded of Congress to give two sections of land, to what distance they were not told. Besides, in making this grant, the company was not restricted from taxing the people and the Government, by tolls, although Congress was to make the road for them. He thought the people of Ohio were able to make their own roads; and, under this opinion, he should move to lay the bill upon the table. He, however, withdrew his motion.

Mr. MAOON said, that the State of Ohio, he knew, could not tax the public lands for five years after they were sold; and gentlemen

SENATE.]

Adjournment.

[MARCH, 1827.]

talked of this, as if it were a great hardship. But it always appeared to him to be a benefit to the State, rather than an injury. It would do the State, he thought, very little good to tax people when they had first settled in a wild country, and when they had nothing to pay taxes with. It was supposed that the State ought to wait until they had scraped a little something together, before they began to tax them; and not lay a tax on poor people in the woods, who had as much as they could do to keep body and soul together. The exemption from taxation for five years, seemed to him to have been of great benefit to the State of Ohio, as it had brought in people to settle, and in that way increased the population.

After a continuation of the debate by Messrs. WOODBURY, HARRISON, CHANDLER, JOHNSON of Kentucky, SMITH of Maryland, HOLMES, and RUGELER, the amendment was adopted, 19 to 15; when the bill was ordered to be engrossed for a third reading.

TUESDAY, March 1.

*The United States, Georgia, and the Creek Indians.*

Mr. BENTON, from the Select Committee on

the Message of the President of the United States, of the 5th February, in relation to the differences between the United States and Georgia, made a long report; which was read.

The report concludes with the following resolution:

*Resolved*, That the President of the United States be, respectfully, requested to continue his exertions to obtain from the Creek Indians a relinquishment of any claim to lands within the limits of Georgia.

FRIDAY, March 2.

The resolution accompanying the report of the Select Committee on the Georgia difficulties, was taken up, and agreed to.

The VICE PRESIDENT then said that he rose in pursuance of a notice given yesterday, and having offered the Senators his best wishes for a safe and happy return to their homes, retired from the chair.

Mr. BELL, from the committee to wait on the President, reported that he had no further communication to make to the Senate.

On motion, the Senate then adjourned, *sine die*.

## NINETEENTH CONGRESS.—SECOND SESSION.

## PROCEEDINGS AND DEBATES

IN

## THE HOUSE OF REPRESENTATIVES.

MONDAY, December 4, 1826.

At twelve o'clock the House was called to order, by Hon. JOHN W. TAYLOR, of New York, Speaker of the House. The roll being called over by the Clerk of the House, (MATTHEW ST. CLAIR CLARKE, Esq.,) one hundred and seventy-eight Representatives and three Delegates answered to their names.

The usual message having been interchanged with the Senate, a committee was ordered to be appointed, jointly with a committee on the part of the Senate of the United States, to wait on the President, and announce to him the organization of the two Houses.

TUESDAY, December 5.

Mr. LATHROP, from the Joint Committee appointed to wait on the President of the United States, and inform him that the two Houses were in session, and ready to receive any communication he might be pleased to make, reported that they had attended to the duty assigned them, and that the President had replied that he would send a communication to both Houses this day at twelve o'clock.

A Message, with accompanying documents, was then received from the President, by the hands of Mr. JOHN ADAMS, his private secretary, and was read at the Clerk's table. [For Message, see Senate Proceedings, p. 266.]

On motion of Mr. LATHROP, the Message and documents were referred to a Committee of the whole House, on the state of the Union, and six thousand copies ordered to be printed, for the use of the members.

MONDAY, December 18.

*Emigration of Indians.*

A resolution laid on the table by Mr. McLEAN, of Ohio, on the 15th instant, was taken up, and read, as follows:

"Resolved, That the Secretary of War be directed to communicate to this House any information in

his department, not heretofore communicated, in relation to the disposition of the several Indian tribes, within the United States, to emigrate west of the Mississippi; and whether there are any obstacles to their removal, known to the department; and, if so, his opinion as to the method best calculated to overcome them; and whether the teachers of schools now in operation among them, are favorable to the policy of their removal; and whether, in the event of an appropriation being made to defray the expense of such removal and settlement, there are any reasons to authorize the belief that they will co-operate in the measure."

Mr. VINTON moved to amend, by adding the following:

"Also, any information showing the progress any of said tribes have made in civilization, and particularly in the art of agriculture; what tribes have manifested a disposition to emigrate, and what, if any, are unwilling to do so, and their objections against the measure: whether they are acquainted with the nature and situation of the country to which they are to be removed; and to what particular district or districts of country west of the Mississippi, they ought, in his opinion, to be removed; whether they are willing to abandon the chase, and depend, for their subsistence, upon the pursuit of agriculture, and the arts of civilized life; whether they have been made clearly to understand the nature and form of the Government proposed to be instituted over them; whether the chiefs, head-men, and people, of the tribes, are willing to dissolve their existing political relations; whether they are willing the United States should create a Government over, and make laws for them; whether they are willing to change the tenure of their lands, and hold them in severalty; whether the tribes west of the Mississippi are willing the Indians in the States and Territories should be concentrated in their country; whether they are advised of the intentions and objects of the Government, and are also willing to come into its measures; whether there is good reason to believe the Indians now in the States and Territories will, upon removal, be able to provide for themselves the means of subsistence, without the aid of the Government; the probable annual expense of the necessary supplies of food, and the number

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*Quapaw Indians.*

[DECEMBER, 1824.]

of years such aid would be required; the probable annual expense of educating their children, and of the assistance and instruction necessary to be given them in agriculture and the arts; with an estimate of the probable annual expense of the Government proposed to be instituted over them, and of the military force necessary for the preservation of peace and the execution of the laws."

Mr. McLEAN was as desirous of obtaining every kind of information, having the remotest bearing on this subject, as any gentleman in the House; nor was it his wish to impede the inquiry asked by the gentleman from Ohio: at the same time, he would greatly prefer having the propositions of the gentleman, now proposed as an amendment, made the subject of an original and independent resolution. The gentleman could not but be aware, and so must the House be, generally, that much, nay, the far greater part, of the information desired is not in possession of the Department, and, of course, cannot be communicated. As to many of the points, every gentleman in the House was, probably, as well informed as the Department; they certainly possessed the same opportunity to become so. The resolution, as originally presented, contained sufficient inquiry to put Congress in possession of all that was necessary to enable them to judge whether any, and what, legislation was requisite. The gentleman from Ohio calls for a general history of the country, and of the Indian tribes; the military force required to guard it, and the total expense of gathering, preserving, and maintaining the tribes, when removed. There was, surely, no need of appending an inquiry of this extent to the simple proposition he had offered to the House. He, therefore, hoped the gentleman would consent to withdraw the amendment, and let the original resolution be passed by the House.

Mr. OWEN, of Alabama, thought that the propositions included in the amendment, were so numerous and so diversified, that the House could scarcely be in a state of preparation to vote upon them at this time. The subject would, ere long, come officially before the House, when they would be called to act on it with deliberation. The amendment was calculated to draw on a discussion, in which the merits of the general question would unavoidably be mixed up. He wished to avoid that discussion; and he, therefore, moved to lay the amendment, for the present, upon the table.

The Chair decided that this course would not be in order; if the amendment was laid on the table, the original resolution must be also.

On motion of Mr. WRIGHT, of Ohio, the resolution of Mr. McLEAN, with Mr. VINTON's amendment thereto, were both laid on the table.

#### *Quapaw Indians.*

The resolution laid on the table by Mr. VINTON, on the 15th instant, was taken up and read, as follows:

"Resolved, That the Secretary of War be directed

to communicate to this House the instructions to the commissioners for negotiating with the Quapaw nation of Indians the treaty of the 15th November, 1824; also, any correspondence or other information in the possession of the War Department, touching the present condition of said nation of Indians; and the measures, if any, that have been taken to alleviate their distresses."

Mr. VINTON then went somewhat at large into a statement of what he understood (mainly from the public prints) to be the present distressed condition of the Quapaw tribe, who were in pressing need of food, and in danger, many of them, of perishing, if aid was not speedily administered. In reply to a remark, that a call like that he had offered was unprecedented, he referred to an inquiry, very similar, ordered by the House last session, in regard to the Florida Indians; and of such importance was that inquiry, that the information it elicited, had resulted in the appropriation of \$20,000 for the relief of that unhappy tribe, and had doubtless saved many of them from an untimely grave. It was possible that the present inquiry, if agreed to by the House, might issue in a similar desirable result.

Mr. CONWAY, of Arkansas, said, that the gentleman from Ohio was certainly premature in censuring the officers of Government, in Arkansas, before he knows that they have transcended their powers, or violated the instructions which they may have received from the Government, in relation to the Quapaw Indians. The treaty to which the gentleman refers, (said Mr. C.,) was made by the Secretary of the Territory, while acting as Governor—was ratified by the proper authorities, and an appropriation was made by Congress to carry it into effect. That appropriation, and instructions to apply it to the object for which it was intended, were placed in the hands of Governor Izard, and, I presume, the provisions purchased for the use of the Quapaws, last Summer, were paid for out of that sum. What the instructions to the Commissioner (Mr. Crittenden) have to do with the sufferings of the Quapaws, I cannot conceive. His conduct was approved of by the Government, and I have never heard of his being censured in any other quarter. The Governor, too, has, I have no doubt, discharged his duties faithfully; and I must beg the gentleman from Ohio to suspend the sentence which he seems disposed to pass upon those officers, until his call is answered, when he will find that there is nothing in their conduct to disapprove. With these remarks in defence of the officers implicated, I am willing for the resolution to pass.

Mr. COOKE said, in explanation, that he had not the least intention to prevent the inquiry as to the sufferings of these Indians, and their need of relief; but the resolution covered much wider grounds; it called for the President's instructions, given two years since, to the Commissioners appointed to negotiate the treaty. For this he could see no possible necessity;

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*Encroachment on Choctaw Lands.*

[H. OF R.]

the treaty had been executed; if the gentleman would modify his resolution, so as to omit this part of it, he would willingly vote for all the residue. As to providing relief for these Indians, if required, no one would be more ready than himself to vote for it.

Mr. C. moved to strike out the clause which went to ask for these instructions, and the motion prevailed—ayes 64, noes 44.

The resolution, as amended, was then agreed to by the House.

WEDNESDAY, December 20.

*Encroachment on Choctaw Lands.*

A resolution moved by Mr. HAILL, yesterday, and laid on the table for consideration, was taken up, and read, as follows:

"*Resolved*, That the Secretary of War be directed to communicate to this House any information in his possession, as to the number of white persons who have encroached upon the lands granted to the Choctaw nation of Indians, in Arkansas, in lieu of a part of their lands ceded to the United States on this side of the Mississippi; and also to state to this House, whether the Indians have remonstrated against this encroachment, to the Department of War, and whether the Indians consider their lands west of the Mississippi River, as granted to them for ever."

Mr. CONWAY moved to amend the resolution, by striking out all after the word *Resolved*, and inserting as follows:

"That the Secretary of War be directed to communicate to this House any information in his possession, as to the number of white persons living on the Choctaw lands in Arkansas, the period at which said persons settled on such lands, whether before or subsequent to the treaty made with said Indians, at Doak's Stand, in 1820; the extent of the improvements made by said settlers prior to said treaty; the quantity of land claimed by the Choctaws west of the Mississippi; and how much of said land lies in Arkansas, the number of the Choctaws living on said land; and whether the Choctaws in the State of Mississippi have, at any time, manifested a desire to emigrate to their western lands; and, if so, what has prevented their removal: and, also, to communicate to this House a copy of an order issued by the Secretary of War, on the 15th December, 1818, in relation to settlers on the lands now claimed by the Choctaws, west of the Mississippi; and any remonstrance which the Choctaws may have made in relation to the encroachments of the whites upon their lands."

Mr. HAILL objected to the amendment, as a substitute for his resolution. Distinct inquiries, he said, were sought for in his resolution, that were not embraced in the substitute offered by the gentleman from Arkansas. He wished his resolution to pass in its present shape. It was with reluctance he appeared before the House to sustain the resolution now under consideration. But the interest of the State he had the honor to represent, imperiously demanded that he should vindicate its rights. Mr. H. stated, he had no disposition to interfere with the people of Arkansas, further than duty imposed the

necessity upon him. The subjects of inquiry embraced in the resolution (said he) are calculated to awaken public attention, and ought to elicit the feelings of this House. It is rumored that the whites have encroached upon the Choctaw lands in Arkansas; information is sought for on this subject. The Government should interfere to protect the Indians from further encroachment. It may be asked, What has the State of Mississippi to do in the affairs of Arkansas? What right has she to interfere in this business? The answer is plain, and will clearly convince every unprejudiced person that these encroachments militate against her rights. The removal of the Indians from her chartered limits is retarded. The persons lately authorized to hold treaties with the Indians within her limits, I understand, have failed to make a purchase, I am unable to discover the causes that produced this failure—a failure deeply regretted by every citizen of that State. It must, therefore, be evident to this House, that any encroachment upon the Choctaw lands, west of the river Mississippi, must be calculated to retard the removal of those Indians. A country was given to these Indians as an equivalent for the cession of their lands to the United States, on this side of the Mississippi River. That country was pointed out to them by Generals Jackson and Hinds as desirable, and one that they could guarantee to them forever by treaty. If a treaty has been entered into with these Indians, it ought to be fulfilled. If a covenant has been entered into, it ought to be religiously kept. Treaties between nations ought to be sacred. Nothing, said Mr. H., will add so great a glory to this Republic, as an inviolable fidelity in our engagements with the Indians. Sir, said Mr. H., it is the policy of this Government to concentrate, as fast as she can, her white population; to remove the Indian tribes, for their preservation, west of the Mississippi, and to establish some form of government over them. But can the General Government expect that the Indians, within the chartered limits of the State of Mississippi, will remove west of the river Mississippi, unless they are convinced that the country already assigned them will be guaranteed, and that they will be protected from intrusion? If these encroachments are permitted, the Indians will be fastened upon us without the hope of removal. If they are encroached upon on the west bank, and a surrender of the lands which have been granted to them demanded by the United States; if, instead of meeting with protection, they meet with aggression; they will never remove. They will never abandon their possessions on this side of the Mississippi. Who will sow, if another is to come and reap the harvest? What could influence any man to emigrate, if he is told his residence will be temporary, and that another will inevitably dispossess him of his right? These things have had their influence with the Indians, and no doubt many have been

deterred from removing to the West. Mr. H. stated, in conclusion, that no State suffered so much inconvenience from Indian tribes, within their chartered limits, as the State of Mississippi. Any causes, whatever, that operate to retard the removal of these Indians, and prevent the acquisition of their lands, are injurious to her prosperity and advancement.

Mr. CONWAY said he offered this amendment to the resolution of the gentleman from Mississippi, not for the purpose of defeating his object in making the call, but for the purpose of gaining information on some points not named in the original resolution. It is true, as the gentleman states, that the State of Mississippi is interested in this subject; for it was at the instance of the Delegation in Congress from that State, that a tract of country, west of the Mississippi, as large, he believed, as the State of Mississippi itself, was ceded to the Choctaws by the treaty of 1820. On the lands ceded by that treaty, there were settled prior to the treaty, by the implied permission of the late President of the United States, as well as he could recollect, about three hundred and seventy-five families, who certainly were not trespassers upon the rights of the Choctaws; because they settled on the lands previous to the treaty. When it was made known to the people of Arkansas that the treaty of 1820 ceded lands to the Indians, inhabited by our citizens, they petitioned the President of the United States to repurchase those lands; and an appropriation was made by Congress to enable him to comply with their wishes. In the negotiation with the Indians, it was found that they were willing to sell only a part of the lands; leaving, he believed, about four and a half millions of acres of Indian lands still in the Territory, on which there are two or three thousand citizens, who were ordered by the Secretary of War to leave the lands; but who, by permission of the Indians, continue to occupy their improvements. The Indians allowed them to remain as tenants, saying that, when they moved over to their lands, they should want corn, and the people of Arkansas could make it for them. There is, at this time, before the Committee on the Public Lands, a subject connected with this, upon which the committee wants information, and which information is called for by the proposed amendment. After this explanation of my object, in proposing the amendment, (said Mr. C.,) I hope the gentleman from Mississippi will accept of it as a modification of his own resolution. The people of Arkansas have no desire to violate the treaty with the Choctaws. They occupied the country before it belonged to those Indians, and have not, since the treaty was made, to my knowledge, encroached upon the Indians.

Mr. HALE finally modified his resolution, by appending thereto the amendment proposed by Mr. CONWAY.

Mr. WOODS then proposed to amend that part of the modified resolution, which consisted of

the part originally proposed by Mr. CONWAY, by inserting after the words, "What has prevented their removal," the words, "and whether they are at this time willing to emigrate." This amendment was agreed to.

And the resolution, as thus modified and amended, was adopted by the House.

#### *Georgia Militia Claims.*

Mr. VANCE, Chairman of the Committee on Military Affairs, acting under the order of the committee, moved to discharge that committee from the further consideration of the subject of the Georgia Militia Claims, and to refer it to a Select Committee.

Mr. DRAYTON moved to amend the motion by substituting the Committee of Claims for a Select Committee.

Mr. WEBSTER asked for the reasons which had induced the Military Committee to direct such a motion to be made.

Mr. VANCE replied, that the main reason was, that the subject of those claims was not one of which that committee properly had cognizance. When this matter had been referred to them, at a former session, the committee made the same objection; but the inquiry had been, nevertheless, put upon them, in express violation, as he apprehended, of a standing rule of the House, which rule he would send to the Chair, that it might be read at the Clerk's table. The rule is as follows:

"It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the Military Establishment and public defence, which may be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment."

Mr. FORBETH hoped that the motion would not prevail, but that the House would insist on the Military Committee's taking cognizance of this subject, and reporting on it to the House. At the last session, an honorable colleague of his had moved that the claims might be referred to a Select Committee; but his motion had been refused, and on the express ground, as stated by the gentleman from Virginia, in his place, (Mr. MCCOY,) that there was more weight and importance attached to the report of a Standing Committee of the House than to that of a Select Committee. Reports of Select Committees were almost always in favor of the measure which was referred to them—its friends being usually placed on such committees. At the last Congress this subject had been referred to the Military Committee; and so, too, at the last session of the present Congress, he hoped it would take the same direction. All that the members from Georgia desired, was a fair and impartial report—such as might satisfy the mind of every member.

On the question of reference, a desultory debate arose, in which Messrs. VANCE, DRAYTON, and HOUSTON, advocated the motion to dis-

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*Memory of Deceased Members.*

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charge the Military Committee, and Messrs. WEBSTER, McCoy, WHITTLESEY, and FORSYTH, took the opposite side.

The members of the Committee on Military Affairs insisted that the question on which the decision of the claim rested, was not of a military, but rather of a legal character. It was, in fact, simply this: whether the services in question were rendered in fulfilment of the Convention of 1802, between the United States and the State of Georgia, or not. If they were, that State had no right to come to the United States for remuneration; if they were not, she had. The history was given of the several references of this subject in the House, from 1808, to the present time—the discussion of it in 1806 and 1816, and for the last eight or ten years. In order to report upon it understandingly, a mass of documents must be examined, extending back to the year 1794—a task more suited to a Chancellor than to a plain committee of military men. The consideration of such a subject was plainly excluded from the standing rule of the House specifying the duties of the Military Committee. This was not a subject which “related to the Military Establishment of the United States, or to the public defence;” its decision would neither advance nor retard the interests of either. Its happening to be a claim in which military officers were interested, did not give a military character to the nature of the claim itself; it was a question of right—a question of law, and of the construction of public instruments, rather than of military matters. It was, in all respects, a fit substitute for the Committee of Claims, or rather for the Committee on the Judiciary.

On the other side, it was contended that it was competent to the House to send a particular subject to any committee it might think proper, and that such act superseded the standing rule, and gave the committee full power, whatever the rule might say. That similar claims had been committed to the Military Committee, and they were in the habit of reporting on them; and, as an instance, the Massachusetts claims were quoted. That committee had had this subject three different times before them, and must be well acquainted with the facts and principles involved in it. The Committee of Claims were already overburdened, &c.

The question was first put on discharging the Committee on Military Affairs, and was decided in the negative. So the subject was continued with the Military Committee.

THURSDAY, December 21.

*Memory of Deceased Members.*

Mr. METCALFE, of Kentucky, observed that he had risen to offer a resolution, which he would have offered at a much earlier period of the session, but that he, with others of his colleagues, had been under the impression that it was not customary for this House to adopt

this testimonial of respect for such of its members as departed this life during the recess. Upon inquiry, however, he had ascertained that custom did, in some instances, sanction the measure: of that custom he begged leave to avail himself. Mr. M. said that, in submitting the resolution which he then had the honor to do, for the consideration of the House, it was not his intention to trespass on its time or attention, by an attempted eulogy on the character of his late distinguished colleague and much respected friend, then no more. Were he, with all the advantages of the most ample preparation, to make such an attempt, he was well aware of the entire inadequacy of his powers to do even partial justice to an individual, whose exalted public and private worth so justly ranked him among the most meritorious of his countrymen. Unprepared, then, as I am, (said Mr. M.), and unfitted for such a task, and doubting the propriety of such an indulgence here, I will decline any attempt to bring into view, and exhibit before you, the peculiarly bright and useful traits of character of that eminently worthy and talented patriot, whose voice in behalf of his country so lately gained him the attention and high respect of the Members of this House. Let it be sufficient, that, though the dust of ROBERT P. HENRY now sleeps with that of his fathers, he still lives in the hearts of thousands and tens of thousands of his countrymen—all, and greatly more than all, of those who, like me, had the pleasure of knowing him personally; and that I respectfully ask the Members of this House to concur with me in this humble, this last tribute of respect to his memory.

On motion of Mr. M. it was then

*Resolved, unanimously,* That the Members of this House will testify their respect for the memory of Robert P. Henry, deceased, late a Member of this House, from the State of Kentucky, by wearing a crape on the left arm for one month.

Mr. McHARTON then addressed the House as follows:

*Mr. Speaker:* I offer a resolution to the House, similar to the one just offered, expressive of the respect of the Members of this body for the memory of Colonel JAMES JOHNSON, late one of the Representatives of Kentucky. He was no ordinary man. His amiable manners, his mild and benevolent disposition, his sound sense, and untiring devotion to his legislative duties while here, has made a lasting impression on all who knew him. In peace, he was a good citizen; in war, a brave and efficient soldier. At the battle of the river Thames, it was his fortune to obtain, by his courage and good conduct, a fame as durable as time itself. He is now gone. All that is left is the recollection of his virtues. His remains are in the silent grave; but patriotism and all the manly virtues linger at its verge, and pay the tribute of a tear to his departed worth.

[Mr. METCALFE explained the reason why he had not included his late colleague, and most



estimable friend, in the resolution which he had offered, and in the remarks which he had made in relation to R. P. HENRY. It was because of the opinion which, he understood, had been expressed, that a resolution in reference to Col. JAMES JOHNSON would come more appropriately from his respectable successor. It would have afforded him great pleasure to accept his name in the resolution, and include him in the remarks which he had made, if that course had been advisable or proper. That not being the case, he should be happy to vote for the proposition in the form of a separate resolution.]

On motion of Mr. MOH. it was then

*Resolved, unanimously,* That the Members of this House will testify their respect for the memory of James Johnson, deceased, late a Member of this House, from the State of Kentucky, by wearing crape on the left arm for one month.

On motion of Mr. MILLER, of Pennsylvania, it was also

*Resolved, unanimously,* That the Members of this House will testify their respect for the memory of Henry P. Wilson, deceased, late a member of this House, from the State of Pennsylvania, by wearing crape on the left arm for one month.

TUESDAY, December 26.

*Western Armory.*

Mr. MOHATTON moved that the House proceed to the consideration of the following resolution :

*"Resolved,* That the Secretary of War be instructed to appoint three Commissioners to survey and examine the Horse-Shoe Bend, upon Licking River, in the county of Pendleton, in the State of Kentucky ; and if, upon such survey and examination, the same shall be found suitable, to authorize the President of the United States to cause to be erected, at the Horse-Shoe Bend aforesaid, a National Armory, similar to those already erected at Springfield and Harper's Ferry : that they report the same to the Secretary of War, who shall, early at the next session of Congress, report the same to this House."

The House determined to consider the resolution.

Mr. MOHATTON, in support of his motion, said, it was a subject in which his constituents felt a deep interest. I am, Mr Speaker, (said Mr. MOH.,) little accustomed to public speaking, in a deliberative body ; but I hope I shall be allowed the privilege of explaining the great and important objects I have in view in the resolution I have called up. It is to arm, when necessity requires it, the militia, which is the natural safeguard of our liberties. You have, already, in part, acted upon the principles which I, sir, wish to see extended: you have established an Armory at Springfield, from which, if occasion requires it, you may arm the militia of the North and East: a similar establishment at Harper's Ferry, Virginia, guarantees to the Middle and Southern States a supply of arms when necessary ; and, it seems pretty generally agreed, that a like work is required to the West. The only difficulty is, the spot

where it is to be established. During the late war, the difficulty of procuring arms was greater than that of obtaining soldiers: indeed, it will not soon be forgotten, that, at New Orleans, the American troops were partly without arms, and had to obtain from the inhabitants of that city, their fowling pieces. Let us, in future, have it in our power to arm our citizens, upon all emergencies. My predecessor, Col. James Johnson, introduced a resolution to establish an Armory upon the Western waters, at a place called the Horse-Shoe Bend, upon Licking River, in Pendleton county, Kentucky ; and I will here state, that his knowledge of water works, together with his mechanical genius, entitled his opinions, upon subjects of that character, to great respect. He was brave and magnanimous on the field of battle: with the choicest troops of Kentucky, himself their commander, he made a charge upon the British lines, at the memorable battle of the Thames, and immortalized himself no less by his bravery, than by his humanity to the conquered invincibles of Europe. With the same indefatigable industry, and unremitting attention, he advocated, in the Congress of the United States, the establishment of an Armory at that place ; and, sir, I hesitate, and doubt my own abilities to do this subject justice, when I reflect that almost the last intelligible words he was heard to utter, upon his death-bed, were, to have an Armory upon Licking. He had this matter at heart, and felt the importance of it, for the benefit and protection of the West. Yes, Mr. Speaker ; when we reflect upon the situation of the soldiers under the command of General Jackson, at the battle of New Orleans, where part of the troops lacked arms to protect the city—when "booty and beauty" was the watchword of the enemy, then it was that we saw our want of an Armory in the Western country ; and, although we now have peace, our rights may be again invaded, and you may find it absolutely necessary to have an Armory established somewhere in the West. And, inasmuch as the God of Nature regulates the atmosphere for the health of the inhabitants, and the good of the body politic, so it seems to me that nature designed that spot, namely, the Horse-Shoe Bend, for the proposed purpose. That site is most eligibly situated: with almost three hundred acres of level land within the Bend ; with deep ravines inside of said Bend, running south and north, until within one hundred yards of uniting, precisely at the place where the canal must be dug. Independent of that, there is a rich fertile bottom, on both sides of the river, well adapted for cultivation, and a more salubrious country never fell to the lot of man. There are hills heavily timbered ; and, in the bowels of the earth, in the vicinity, stone coal and iron ore is to be had ; with the advantages of the navigation of the said river, only twenty-six miles to the Ohio, and last, only eight miles to the same river. There is, also, the advantage of navigation, by the Ohio,

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Western Armory.

[H. OF R.]

to New Orleans, and the anticipated benefits of the Ohio Canal, towards Canada and the Lakes; and, if it become necessary to guard either of these points, we have the advantage of those streams. It is, also, situated near the frontiers of three States, Kentucky, Ohio, and Indiana, where materials can be had on as good terms, and of as good quality, as at any other place in the United States, and labor is as cheap. All these considerations give Kentucky a claim to a National Armory at this favorable site. What is Kentucky, and what are her claims? She is the daughter of the old and patriotic State of Virginia. She did not tarnish the reputation of her mother, in the late war, but acquitted herself with honor, and gained laurels as imperishable as time itself. Then, as our parent State, Virginia, has been first served, we hope she will be kind to her legitimate daughter, Kentucky, and extend the parental hand of friendship to our State, who stands, I hope, second to none in the Union, for her patriotism and valor. Let some attention, therefore, be given to her claims, and, inasmuch as she has been a dutiful child, let not merit go unrewarded. Has Kentucky been nursed? No, sir; she was never rocked in the cradle of ease, but on the other hand, in the cradle of danger and difficulty. In her infancy, she encountered the savage, drove him from the forest, and that, too, with the loss of many brave citizens. And now, she asks for an Armory upon her waters, in which all the people of these United States will be equally benefited. If she has an eligible site, will she be denied? I hope not. And, Mr. Speaker, were you, or any member of this honorable body, to visit the spot, you would, in my opinion, agree with me, that nature formed it for the express purpose. My predecessor had it levelled and surveyed, by Mr. Macarty, an accurate mathematician; and the county surveyor for Scott county, Mr. John Ewing, at my request, a few days before I left home, examined the situation, and both agree in the general opinion that it possesses prominent advantages. Therefore, all I ask of the House, and which I think they will grant me, is to have Engineers appointed to examine it; and I ask this favor in my own name, in the name of my constituents, and in the name of the good people of these United States.

Mr. MOH. here added sundry observations on the topographical situation of the place; and concluded by again urging the adoption of the resolution.

Mr. COCKE observed, in reply, that many of the gentleman's observations were at war with the language of his resolution: the one referring the subject to a committee of this House, the other giving it in charge of the Secretary of War. It never was the intention of Government to erect more than one Armory in the West; and, by the resolution, as it now stood, all other situations which might lay a claim, as suitable, for the Armory, are humbled, at the feet of this "Horse-shoe Bend."

Mr. McHARRON said it had been his intention to modify his resolution, so as to obviate this objection. He begged to assure the gentleman from Tennessee, and all others, that he had no wish for exclusive rights: his constituents did not seek them: they only wished that equal justice should be done to all. He had no objections to any other examinations that gentleman might propose, or any other gentleman. He only desired to be placed on a footing of equality. He accordingly modified his resolution, so as to read as follows:

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing the Secretary of War to employ one or more skilful engineers to examine the Horse-Shoe Bend, on Licking River, in Pendleton county, in the State of Kentucky, and to report on the fitness of that place as a site for a National Armory, similar to the Armories of the United States at Springfield and Harper's Ferry.

Mr. COCKE then said, that many remarks he had intended to make, were superseded by the modification which the gentleman had now made. He also had every disposition to accommodate the wishes of others, on this subject. It was for the interest of the Union at large, that every spot, having pretensions to be made the site of such an establishment, should be fully and impartially examined. As to the complaint of the gentleman from Kentucky, that the Engineers had not extended their examination far enough, it was, unquestionably, well founded. The same complaints had been made elsewhere. A large section of the country which he had himself the honor to represent, was in precisely the same situation. Application had, again and again, been made to the War Department, to have a survey made of east Tennessee and the western part of Virginia, with a view to this subject; but it has not yet been done. He hoped, therefore, that the gentleman would take in good part an amendment which he should now move, viz., to insert in the resolution he had offered, the words, "and also the Tennessee and Cumberland rivers, as far as the falls of the latter."

Mr. McHARRON accepted this as a modification of his resolution.

Mr. MARBLE then moved a further amendment, in the following words:

"Also the site on the Narrows, at Harpeth, (as suggested by the Legislature of the State of Tennessee,) on the Cumberland River."

Mr. M. said the Legislature of Tennessee had offered as a gratuity to the United States, some ten or twenty thousand acres of land, around the spot that body desired to be made the site of the contemplated Armory; land abounding with every requisite to fit it for such a use. She offered more mines, more wood, more water, more mechanic power, than any of her competitors; and if so, he asked that her claim might be attended to. For himself, he had never yet been called a beggar, nor should he now place himself in such an attitude before the House.

H. OF R.]

*Free Negroes in the District of Columbia.*

[DECEMBER, 1824.]

What he asked, and all he asked, was justice merely.

Mr. SMITH, of Virginia, observed, that the resolution to which these various amendments were proposed, had come very unexpectedly into the House, and some members were possibly taken by surprise. He believed there were several who wished to present to the House the arguments in favor of sites in their respective districts: in order to afford to gentlemen so situated some further opportunity to prepare themselves, he moved that the resolution and amendments lie for the present upon the table.

The motion prevailed, and they were laid on the table accordingly.

*Free Negroes in the District of Columbia.*

Mr. WARD offered the following resolution :

*Resolved*, That the Committee on the District of Columbia be directed to inquire whether there be in force, in the said District, any law which authorizes the imprisonment of any free man of color, being a citizen of any of the United States, and his sale, as an unclaimed slave, for jail fees and other charges; and, if so, to inquire into the expediency of repealing the same.

Mr. WARD said he was impelled no less by a sense of duty than by an obligation to obey the instructions of the citizens of the county of West Chester, which composed a part of the district he had the honor to represent. It will be recollected, sir, (said he,) that Gilbert Horton, a free man of color, and a citizen of that county and of the State of New York, was imprisoned some time during the last summer, in this city, under an old law of the State of Maryland, and was advertised, and would have been sold as a slave to pay his jail fees, under that law, (which it seems now forms a part of the code of this District,) but for the prompt interference of the citizens of that county, at whose solicitation it became the subject of a correspondence between the Executive of the United States and the Executive of the State of New York. I hold it, sir, to be the duty of every Representative on this floor, to guard and protect the rights of the citizens of this Union, so far as those rights may come within the authority delegated to Congress by the constitution, and therefore do not deem it necessary to apologize for bringing this subject under the consideration of this House; but from the members individually, I crave their indulgence whilst I offer the few observations which force themselves on my mind. Whatever the law is, and wherever its origin, it could only have been intended to apply to fugitive slaves; any other application of it would be at variance with the sacred constitution of the land, and void in itself. That it is unconstitutional, is virtually, if not expressly declared by the 8d article and 2d section of the Constitution of the United States, by which it will be seen that a free citizen cannot, without a trial, and without the allegation of a crime, be condemned to servitude for

life. The section referred to provides that "The trial of all crimes, except in cases of impeachment, shall be by jury; and such trials shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed."

The 4th, 5th, and 6th articles of the amendments of that charter, define more particularly the absolute rights of persons, and secure to every free citizen, whatever may be his complexion, the right of personal security, personal liberty, and private property. These articles declare as follows:

"ART. 4. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

"ART. 5. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, in the militia, when in actual service, in time of war or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation.

"ART. 6. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial Jury of the State or District wherein the crime shall have been committed, which District shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence."

And, sir, by the fourth article and second section of the same instrument, it will be seen that this law is also in violation of State Rights. The words of the constitution, are: "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

I might add, that the continuance of such a law in that portion of the nation especially confided to the exclusive jurisdiction of Congress, would be no less impolitic than adverse to the motives which conceded this jurisdiction. It was certainly never intended, that the little space of ten miles square should be the grave of rights, so clearly defined by the constitution; and it could still less have been expected, that the wisdom of Congress would have suffered a law, so unjust in its operation, to have stained the records of her courts.

That its continuance would be impolitic, is proved by its repeal by the very State which enacted it, and might be easily exemplified, in supposing the State of New York wills, as a

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retaliatory measure, to refuse to surrender fugitive slaves from the District. For, sir, the violation of a right is the same, whether made in the face of law, or under the sanction or color of a law violating the Magna Charta of the nation.

The law, sir, is unjust, because the imprisonment was not for a crime nor for a debt; and, the mere circumstance of his not being claimed as a slave, could not strip the free man of color of his privileges as a citizen of the free and independent State of New York, and create a debt to which no free act of his had contributed. But, sir, were it otherwise, and could a demand be raised against him by the arbitrary turn of the jailer's key, I ask, and I ask it emphatically, what civilized country, in this enlightened age, permits the sale of the person of the debtor, to satisfy the rapacity of the creditor? None.

Is a free citizen, then, because his color happens to be dark, to be less protected by the laws than the poor debtor, in the fangs of a merciless creditor?

Is he to be deprived of the privilege of visiting your capital, lest some tip staff should plunge him into a dungeon, to speculate on his liberties, or to bind him to the car of slavery? Would not such a system equally place in jeopardy the privileges of the East Indian and of the citizens of many nations in amity with this, as the poor sun-stricken outcasts of Africa? Shall we longer suffer this unconstitutional, this disgraceful offspring of policy, long since repudiated by the enlightened and honorable State of Maryland, to cling, as an excrescence, on the code of this our District?

The jurisprudence of this District, sir, ought to be exhibited to this country and to the world without a stain; its object should be, not to oppress, but to vindicate the rights of freemen; and, if there is a spot on earth where those rights should be held sacred, that place is the District of Columbia.

I hope, sir, that this House will adopt the resolution, and that it will, at an early day, command the serious attention of the committee.

Mr. HAILE moved that the resolution be laid on the table and printed.

The motion was negatived.

Mr. FOSBERT said, that he had listened with attention to the address of the gentleman from New York, and, if the position taken by him was a correct one, there could be no need of the inquiry proposed by his resolution. He had set out with declaring that no such law as that referred to is constitutional. If so, the law was of course without obligation, and the inquiry respecting it unnecessary. Any law made in violation of the constitution was nugatory. The constitution itself, so long as it endures, is a sufficient protection for the State of New York and of every other State. Why, then, urge an inquiry on a subject of this peculiar character, which would lead only to irritating, painful, and useless discussion? While

he was up, he would take the opportunity of calling the attention of the House to the extraordinary doctrine which had been advanced in this House this morning, and which had, for some time past, been advocated in various parts of the country; that a Governor of one State of the Union may rightfully be called upon to protect the citizens of that State when in other States. This doctrine, he said, was novel. What had the State of New York to do with the law in question, or any decisions under it, more than any other State of the Union? Was any thing to be found in the constitution giving to the Executive of one State a right to interfere in the transactions within another State? It was true, he might go as far as to demand the restoration of a fugitive who had taken refuge within another State, but no farther. It was the very design of the constitution to prevent the necessity of such interference. It erects courts and constitutes the law. It is itself the *lex scripta*, for the protection of all. This is the proper recourse of any who have suffered wrong. He hoped this subject would be regulated, as it should be, when the House came to consider that part of the President's Message which recommends a revision of the laws of this District, with a reference to introducing the Penitentiary system. It was a proper subject for the investigation of a committee of this House, and, for one, he sincerely hoped that such committee would probe the laws of the District to the bottom, and, if they contained any thing cruel or oppressive, that it might be exposed and remedied. So far as any amelioration in those laws were needed, he hoped it would be made, and that no injustice would be suffered to remain: but in the meanwhile he trusted they should not be vexed with an examination, in this hall, in relation to persons under peculiar circumstances coming into those States where slavery was tolerated, as, from the very nature of the case, it could not lead to any good result, but would excite much unpleasant feeling, which would be better avoided.

Mr. HAMILTON rose to address the Chair; when

The Speaker arrested the farther discussion of the resolution, the hour allotted by the rule of the House to the consideration of resolutions having passed.

WEDNESDAY, December 27.

The resolution offered by Mr. WARD, of New York, yesterday, was again taken up.

Mr. HAMILTON said that he did not know that the House or himself had any occasion to regret that he did not yesterday obtain the floor, when the resolution of the gentleman from New York, [Mr. WARD,] was under discussion, as that gentleman had been pleased to preface his resolution with a series of remarks, which, at least, in this stage of the inquiry, he thought both gratuitous and inflammatory, and were calculated to have led to an excitement to

which he did not then desire to contribute, nor would now provoke. He was, therefore, not disposed to oppose the passage of the resolution: for, if there had been any oppression in this District to any individual, contrary to law, he, for one, was willing that it should be exposed.

He would, therefore, refrain from now discussing the questions involved in the resolution, as it seemed to him more appropriate to do so when the Committee on the District of Columbia should report on the resolution itself, should they discover the evil complained of by the gentleman, or adopt all his views as to its remedy. With this feeling, he said, he would not stop to expose the fallacy of that part of the gentleman's argument which he presumed was technically to be considered its *argumentative* portion; nor could he trespass on the patience of the House by indulging in any criticism on the rhetorical part of his discourse, because he presumed that all the poetry and philanthropy of this was served up for the instruction and entertainment of the Representatives of twelve slave-holding States and territories in that House. He would not, therefore, be so ungrateful as to reject what might have been intended as a "compliment of the season." But he trusted the gentleman would pardon him for assuring him that, whenever he was desirous of gratifying them with the pathos of a certain ballad, entitled "the sun-stricken outcasts of Africa," he might save himself some trouble, by finding at his hands in the Della Crusca Album of some boarding-school miss, much prettier verses than these. But, sir, said he, let this pass. "Sufficient for the day is the evil thereof." Whenever the Committee on the District of Columbia report, I may have some more suitable occasion afforded me of applying some of the philanthropic oratory of the gentleman of New York to the great State he has the honor to represent, either as matter of curious speculation, or one of practical utility.

Mr. MINER then offered several resolutions as an amendment to the resolution of Mr. WARD, the object of which was, that the committee should also inquire into the expediency of the gradual abolition of slavery in this District. Mr. M. said, that he was induced to offer these resolutions by way of amendment, not by any momentary excitement of feeling, but from a deliberate sense of duty.

The Speaker decided that the resolutions were not admissible as an amendment, being in themselves distinct and independent resolutions, which had no connection with that under consideration by the House. They would be in order, if offered as separate resolutions, and at the proper time. He ordered them, however, to be read by the clerk, for the information of the House.

Mr. BRENT objected to their being read at all, unless read for the purpose of consideration by the House. If the consideration was out of order, so must the reading be also.

Mr. MINER then said, he had supposed that, as they related to the same general subject as the resolution before the House, they might have been added to it, and all considered together: but as this was not the case, he had no wish to violate the order of the House, and would withdraw the resolutions.

They were accordingly withdrawn.

Mr. LETCHER said, from the hasty examination which he had given to the resolution now before the House, he had no hesitation in expressing his opinion that there was no sort of necessity for its reference to a committee. He did not think it presented a fit subject of legislation. It is not alleged that there is any law in existence in this District in relation to free men of color, which ought to be repealed or modified; but it is asserted, by the mover of the resolution, that, if any statute does exist, under which Gilbert Horton has been injured or oppressed, that it is unconstitutional and void. The case, then, of the individual mentioned in the resolution, is one for the courts, not for this House. His redress at law is full and complete, and to the proper tribunal let him appeal, and have his remedy. Believing this resolution may, by possibility, bring up a delicate subject, and by its discussion, produce unnecessary excitement, I move to lay it upon the table.

The question being put on Mr. LETCHER's motion, it was negatived, ayes 64, noes 90. So the House refused to lay Mr. WARD's resolution on the table.

Mr. WICKLIFFE said, that he was led to the conclusion that no such law existed in the District of Columbia, as the resolution referred to. Abuses, no doubt, might have happened under the law which did exist, and he thought it very probable they had. The law in the District declared, (and it was in this respect not different from the law which was to be found in every slave-holding State, and in some States not slave-holding,) that persons of color found loitering without employment, and supposed to be runaway slaves, might be apprehended and imprisoned. It was under this law, he presumed, that the individual to whose case the gentleman from New York alluded, had been taken up. He was found within the District without any evidence of his freedom, and he was taken up, and imprisoned till such evidence could be obtained. It was obtained from the State of New York, and he was immediately set at liberty. Such he believed to have been the state of the facts, and he thought the statement ought to be made for the information of the House. If any amendment in the laws of this District was needed, or if any abuses had taken place, (points he would not undertake to decide,) the object aimed at by the gentleman from New York could as well be attained by directing a committee to revise those laws, and report such alterations to this House as they might deem expedient and proper. But the discussion of the subject, as presented by the

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gentleman's resolution, was calculated to rouse feelings and produce an excitement which it would be difficult to repress. He deprecated such a state of feeling: he had no wish to see the Missouri question brought back into this House. If the laws needed amendment, let them be amended; but let not the House go on in the supposition that certain laws existed which were nowhere to be found. With these views, Mr. W. moved to amend the resolution by striking out, after the word "Resolved," and inserting, "That the Committee on the District of Columbia be instructed to inquire into the expediency of amending the laws in force in said District," upon the subject of apprehending and confining in jail fugitive slaves.

Mr. DORSEY said, there is a law authorizing a free person of color, arrested as a runaway, and as such committed, to be sold for his prison fees, and the reward allowed by law to those who arrest such persons. It was the law of Maryland, and, as such, was adopted as the law of the District, for Washington county. Among the very earliest laws of Maryland, when manumission of slaves was not permitted, it was enacted, in 1715, that negroes, who should be arrested as runaways, should be committed to the custody of the sheriff of the county; that those who arrested such persons should receive, as a reward for so doing, the sum of 200 pounds of tobacco, and that the county courts should dispose of those who should be arrested, and if free, if they could not pay the reward and fees to the jailer, then they should be sold into bondage, to discharge those expenses incidental to their arrest. In 1719, the power vested in the county courts under the act of 1715, was transferred to the sheriff. The principle assumed in this act of legislation, predicated upon the then existing state of society, was, that all persons of color were presumed to be slaves. In 1791, the Legislature prescribed a rule of conduct for the sheriff, directing the notice to be given by the sheriff, of the commitment of runaways. Somewhere about the year 1786 or '8, the Legislature passed a law legalizing manumission; yet the same principle of presumption, that all persons of color were slaves until the contrary appeared, regulated the decisions of the law officers of the State, till 1810, when Judge Scott decided that he would discharge all persons brought before him as runaways, unless they were proved to be such. This decision, and the ill-directed efforts of certain societies, impelled by the purest motives, produced an apprehension that this kind of property was very insecure, and the Legislature, in 1810, passed a law in conformity to the principle of presumption existing before then, against the person of color, and directing the judge to commit unless he should be satisfied that the negro was entitled to his freedom. The progress of emancipation was astonishing; the State became crowded with a free black population, and the Legislature varied its law, and adapted it to the

altered condition of its population: for, in 1817, they provided that if no owner should claim the negro committed, that then the jailer should carry him before a judge, who, if he was not satisfied that he was free, then he should remand him for a certain time; and if not claimed in that time, that then the judge should order him to be discharged, and his fees to be taxed on the county, thus displaying a commendable vigilance for the slave-holder, and the cause of humanity, so far as the existing state of society would permit; and although I come from a slave-holding district, I can see no inconvenience in referring this inquiry to a committee.

Mr. WOODS said, the course proposed by the resolution was usual and proper. When a member wished to turn the attention of any of the committees of the House to any subject which he deemed important, the ordinary course was for him to offer a resolution proposing that such a committee inquire into that subject. This was the mode every day pursued, and why not take the same course in the present case? After the committee shall have made the examination, stated by the resolution, they will report what are the facts: if such a law does exist, they will say so; and if not, they will say so. We find that different opinions exist about the matter among the members of this House: then let a committee investigate, and tell us what the truth is.

The resolution might, and probably would, have passed without a word of remark or opposition; but the mover chose to accompany it with some remarks which he deemed pertinent to the subject. This he had a perfect right to do, and it was not censurable: but the House had been told that the remarks were of an inflammatory character. For himself, he could not think so. If the gentleman from New York approached a magazine with a lighted candle, it certainly became him to look to his steps, and to tread with caution: but if other gentlemen, those who were nearest to the magazine, and who stood round it, to guard it, should themselves elicit sparks, who had they to blame if an explosion should happen? He could see nothing improper in the resolution, or in the remarks which had accompanied it, and he hoped it would pass.

Mr. WRIGHT said, that, if he correctly understood the resolution which had been offered by the gentleman from New York, he was in favor of that resolution, and opposed to the amendment offered by the gentleman from Kentucky, [Mr. WICKLIFFE.]

Mr. WICKLIFFE here interposed, and said, that he might, possibly, save the gentleman from Ohio some trouble by informing him, that he was willing now to withdraw the amendment.

Mr. WRIGHT then expressed his hope that the resolution would be adopted by the House. All it proposed was, to inquire whether a law did or did not exist, within the District of Columbia, by which an officer was empowered to

apprehend (not a slave, but) a free man; and, if such a law actually does exist, whether it ought not to be amended. Would any gentleman say that this was not a subject of deep interest? Of interest, not only to the District, but to the whole Union? He believed there was not a gentleman on that floor who would deny this: and, if so, why should not the House proceed in the inquiry? They had been told that the inquiry was of an irritating character, and calculated to excite angry discussion. But why should this be so? What was there in this subject to produce so much excitement? If some gentlemen chose to lash themselves into excitement with regard to it, was that a reason why the House should not proceed in so reasonable and proper an inquiry? Has not the House a perfect right to inquire into the subject, and to legislate upon it? It became them to inquire and to act. The excitement about which gentlemen talked, was no reason why inquiry was to be arrested. It was the duty of the House to proceed in its duty with calmness, and not to be prevented from performing it by the excited feelings of any. The observations of the gentleman from New York had been characterized as inflammatory; for his own part he felt no such effect from them: he could not perceive what there was in them to inflame any body: they were such as naturally grew out of the subject of the resolution. He hoped the committee would be directed to make the inquiry; and, if the evil complained of did exist, he hoped they would point it out, together with its proper remedy.

Mr. POWELL (from the Committee on the District of Columbia) said he was at a loss to see how any excitement could grow out of the resolution, in its present shape: there was surely no necessity for any warmth of feeling, or any protracted discussion. For his own part, he believed there was no direct opposition to the resolution. He had not heard any gentleman attempt to maintain that the resolution ought not to pass; nor did he think there was a single person who was of that opinion. For himself, as a member of the Committee on the District of Columbia, he should vote for the resolution; and, if it passed, he was prepared to give his earnest attention to the duty it enjoined.

Mr. BRENT said he was sorry he was not of the same opinion with the gentleman who had just taken his seat. But he could not, and would not, vote for the resolution as it now stood. It was calculated only to excite angry debate and irritated feelings. Even the gentleman from Ohio, who professed to see nothing of this kind in it, had himself exhibited signs of that very feeling. If the gentleman who had introduced the resolution, would consent so to modify it as to omit the words "being a citizen of any of the States," he would then vote for it; because he should consider the most objectionable part of it as removed.

Mr. WARD expressed his willingness to ac-

cept of such a modification; and the resolution was modified accordingly.

Mr. McDUFFIE said he was sorry the gentleman from New York had accepted the modification. He thought the resolution, as it now stood, decidedly more exceptionable than it could be regarded as it was originally presented. He was perfectly willing, for his own part, to extend to the citizens of all the States, whatever might be their color, any and every privilege to which such citizens are entitled. Whether any particular description of persons are "citizens of the United States," might be a question; but, when the Representative of a State alleges on this floor, that the liberty of a citizen of that State has been violated by the laws of a district over which Congress holds exclusive jurisdiction, it is the undoubted and sacred right of the person so claiming to be a citizen, to be heard through his Representative. The proposed inquiry ought, therefore, to be instituted upon principles of the most obvious justice; for he wished it to be distinctly understood, that, while he should vindicate, with firmness, all the rights which he represented, whenever or however they might be assailed, he was for according to every other member, in its fullest extent, the same constitutional privilege. For his own part, he viewed this as a question not at all calculated to excite the sensibility of the Representatives from the slave-holding States. They certainly do not claim, by any special prerogative, to be the advocates of slavery wherever it may exist. On the contrary, if it shall appear that the laws of the District of Columbia have been made the instrument of oppression, committed on a person claiming to be a citizen of New York—and he was free to declare his impression that each State had a right to determine for itself who should enjoy that privilege—then has an outrage been committed which the Representatives from the South and North are equally bound to discountenance; and if we would avoid the imputation of giving our sanction to the obnoxious proceeding, the law, by which it was authorized, should be promptly repealed. Without anticipating any ultimate questions to which the inquiry might lead, he would conclude with the remark that, if any privilege of a citizen of New York has been violated through the laws or tribunals of this District, this body is bound, by every principle of policy, justice, and humanity, to afford its protection, and apply the necessary remedy.

Mr. BRENT said he was sorry to differ from the gentleman from South Carolina: he was equally anxious with that gentleman to see the subject fully investigated. But, in order to avoid that part of the subject which was calculated to produce irritation, he had suggested the amendment. The mover had said, in the speech with which he accompanied his resolution, that a certain colored free man had been imprisoned, and afterwards sold to pay his prison fees. Mr. B. wished to limit the in-

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*Free Negroes in the District of Columbia.*

[H. OF R.]

quiry to this point alone, and not to set the committee to decide whether a free man of color was "a citizen of the United States." That was the question he aimed to avoid: because he knew it would inevitably produce much excitement in a part, at least, of the House.

Mr. MINER said he rose especially to reply to a remark made by several gentlemen, seeming to imply that this matter ought not to be discussed, because it created so much excitement and irritation. Such, certainly, was the effect, and Mr. M. regretted that it was so. The whole interests of the District are confided to our exclusive jurisdiction. No power but that of the General Government could operate. Slavery existed within the District, and the subject must be regulated by Congress. It was not only our right but our duty. It was impossible to do this intelligently without inquiry and free discussion. This was felt to be a subject of delicacy; no one felt this more sensibly (Mr. M. said) than himself. It is always painful to excite unpleasant feelings; such was never his wish; and it was matter of regret with him when, in the performance of duty, such was ever the consequence. In his opinion, every subject that it was our duty to regulate and legislate upon, ought to be considered proper to be introduced here, and freely discussed, without exciting pain or passion. We have the same absolute control over this subject here that the States have within the limits of their respective sovereignties, and it was equally our duty to exercise it. It was in fact the case, that, owing to the painful excitement growing out of any motion on the subject of slavery here, it had been utterly neglected. Gentlemen from neither section of the Union liked to take any step in relation to it: the consequence was, that there had been no amelioration of the laws growing out of the system of slavery here, for the thirty years the District had been under the jurisdiction of the General Government. In other States, improvements had been made: their codes had been meliorated: here, from the cause alluded to, they had been entirely neglected, and all the corruptions growing out of that neglect, and the cupidity of those who looked only to their private interest, were severely felt. From a paper in his hand, which he stated to be official, Mr. M. read an account of the persons imprisoned in the jail, as follows:

Runaway negroes committed to the Jail of Washington County, District of Columbia, from the 1st day of December, 1823, to November 30th, 1824, included,	52
For safe-keeping, by their masters, from December 1st, 1823, to November 30th, 1824,	81
Runaway negroes committed from December 1st, 1824, to November 30th, 1825,	58
For safe-keeping, by their masters, from December 1st, 1824, to November 30th, 1825,	124
Fifteen of the above, that were committed as runaways, proved to be free; and one of them sold for his jail fees and other expenses.	

White and black criminals: the following number committed for offences, from December 1st, 1823, to November 30th, 1824, - 125  
And about the same number for the year following.

[Signed by the Jailer.]

Of the eighty-one, and one hundred and twenty-four, in jail for safe keeping, he observed, that he understood they were placed there for sale: that the Federal prisons, and their keepers, were extensively used for the purpose of carrying on the domestic slave trade. I presume that gentlemen have no proper idea of the situation of this matter; if they had, it would seem as if the sentiment must be general, that Legislative interference is proper. Last Winter, said Mr. M., I went through the cells of the prison, and I will mention an instance of its occupation that was presented to me. There was a woman in a cell, with three children, one an infant, all for sale. I was afterwards informed that she was the wife of a free man, who had had by her nine children. As they grew to an age to be profitable in market, the children were sold; now the woman had arrived at a time of life to be no longer valuable as a breeder, she and her children were separated from her husband, and sent to your prison for sale: your officer who keeps it, being employed as the agent. Another instance was stated to him yesterday, in a way that seemed entitled to credit: that a free colored man was taken up under the law and imprisoned. Ignorant, poor, friendless, he found it difficult to prove his freedom, and lay in jail in so miserable a situation that his legs were so frozen that, when liberated, he had to walk on his knees, being a cripple for life. He mentioned these circumstances to show that evils existed of a nature and to an extent which gentlemen were not probably apprised of, and which he was sure they would not approve. In addition to all this, Mr. M. said, that there were places in the District, by some called Pens, where the slave dealers gather together gangs of slaves, and then fasten them by a long chain, running between the pairs, and to this they are handcuffed, right and left, and so driven off, ten, twenty, and thirty, in a drove. The number passing the bridge in a year, was said to have amounted to hundreds. It was, in truth, the case that, owing to the total neglect of this subject by the only power having authority to remedy the evils, this had become the headquarters of the domestic slave trade. And, that the House might see the impression its enormities had made upon others, he read a resolution offered by Mr. Randolph, in March, 1816.

"On motion of Mr. Randolph,

"Resolved, That a committee be appointed to inquire into the existence of an inhuman and illegal traffic in slaves carried on in and through the District of Columbia; and to report whether any, and what, measures are necessary for putting a stop to the same."



A few days after, the committee had leave to send for persons and papers. Depositions were afterwards laid upon the table, taken by the committee, but he had searched in the clerk's office for them without effect. All would go to show that the whole subject of slavery within the District needed our interference, and ought to be discussed with freedom and good temper. In relation to the particular resolution of the honorable gentleman from New York, (Mr. WARD,) Mr. M. thought it properly drawn, a fit subject for inquiry, and more especially so, as, from the paper he (Mr. M.) had read, it appeared that, of fifty-eight committed as runaways, fifteen had proved themselves free, and one been sold for his jail fees. Injustice certainly resulted from the law as it stands, and he thought it right the committee should inquire into the subject.

Mr. DORSEY expressed much regret that the honorable gentleman from Pennsylvania had indulged himself in bringing forward the narrative he had just submitted to the House: because it might lead, elsewhere, to the idea that some ulterior measure was intended: that the gentleman was moving this House to take measures to prevent the internal trade in slaves within the United States. Such an idea was well calculated to produce excitement and alarm in the slave-holding States. He, therefore, suggested an amendment to the resolution, making it generally propose an inquiry into the expediency of amending existing laws. There was, he said, no need for a committee to inquire whether such a law existed: He would read to the House the law referred to. (Here Mr. D. read the law.) He had no doubt that every gentleman would cheerfully consent that this law ought to be modified; and if such was the object, it might be arrived at by a better mode than the resolution proposed. The indications of excitement were already perceptible in the House—and he was sorry to say that the remarks and statements of the gentleman from Pennsylvania had not been calculated to allay it.

Mr. BRADLEY could not but consider the question, which was intended to be presented to the House, as a very simple one. It was not now put to them to say whether the laws of the District, on the subject, originally passed by Maryland, ought to be altered into conformity with the present laws of that State; it was not even this; but simply, whether a committee should inquire into the expediency of such alteration. It would be recollected, too, that the committee by whom the inquiry was proposed to be made, was one appointed specially to watch over the interests of the District. Mr. B. said he believed it was not usual to enter into such extended debate on mere resolutions of inquiry; and he saw no occasion for it in this instance. He hoped the resolution would pass without further amendment, more especially as no gentleman would be committed by the vote as to any ulterior proceedings.

Mr. DORSEY said, as he had been requested to withdraw his amendment, he would consent to do so.

Mr. FORSYTH was not disposed to object to an inquiry; yet, he must think that the form in which the resolution was presented, and the remarks by which it was accompanied, were calculated to produce excitement. Several gentlemen who had addressed the House this morning, appeared to be of opinion that there ought to be no irritation on this subject, in whatever form presented: a single moment's reflection would be sufficient to show that this was a very great mistake. On this subject, Mr. F. said, there is in the United States a radical difference of opinion. The gentleman from New York, and others, claim, as a matter of right, that black persons, held to be citizens of the United States, in the State of New York, should enjoy in every other State the same privilege. The whole of the Southern delegation deny this claim. We hold (said he) that we have the right to exclude free people of color, to eject them, and to limit their privileges, when we admit them to reside among us. We know that there has been a considerable discussion on this head, arising from one of the States excluding sailors of a foreign country (admissible under treaty stipulations) under its general law concerning persons of color, and confining such persons in prison when this law has been contravened by them. On a question like this, intimately connected with the safety of a large portion of this country, discussion must necessarily produce excitement; especially when the case of Gilbert Horton, with all its attendant circumstances, had been brought into view. Mr. F. said he was not disposed to be excited, and he had no objection to any proper inquiry on this subject. But, when the gentleman told the House that the constitution gave protection to this individual: that the constitution gives to the States, respectively, the power of regulating the subject: he afforded the strongest argument against his own proposition; because, if he was right in this position, there was no sort of occasion for the inquiry which he proposed. Mr. F. said he was perfectly willing to enter into the question, Is it expedient that the laws of this District shall be altered, or is it not? But the gentleman had no right to institute this inquiry at the moment of fulminating accusations of a violation of the constitution, against which the Judiciary would afford sufficient protection. If the gentleman admitted that the laws of the District on this subject were constitutional, Mr. F. was perfectly willing to inquire into the expediency of altering them, and he hoped the committee would report such alterations in them as the state of society might justify or require.

Mr. FLOYD said he did not mean, although he had some objection to the shape of the resolution, and the mode of its presentation, to oppose its passage. He was sorry that the

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*Isthmus of Panama.*

[H. OF R.]

subject had produced so much conversation. It must be equally interesting to gentlemen from every State, that freemen, of whatever color, wrongfully imprisoned, should be set at liberty. Is there a law in operation within this District which authorizes the imprisonment of such? If so, every one would agree that it ought to be repealed. Mr. F. said he would step forward to guard the rights of such a man as soon as any other: he hoped it was not the peculiar duty of any one to take this charge upon his philanthropy. If a man, imprisoned within this District, had his feet frost-bitten, it was his misfortune: the courts would, doubtless, regulate the conduct of their jail-keepers. But the House ought not to be too much affected by this case: for, Mr. F. said, he had, in his time, known a white man, once influential and respected, frost-bitten during imprisonment, *for debt*: and he personally knew, during his observation of the practice of the hospital in Philadelphia, in his younger days, that the root of the diseases of four-fifths of all the persons who went into that asylum was poverty—misfortune. Poverty, in any country, is attended by many ills; and not by more here than elsewhere. And as to all that stuff about approaching a magazine with a candle—where is the magazine? There is none that I know of. Mr. F. made a few further observations, expressive of his readiness, which he believed was common to all, to protect and ameliorate the condition of every class of people in the District of Columbia, from the mayor to the most humble individual. All he desired was, that it should be done in a way not to interfere with the rights of some States, under the plea of protecting the rights of other States.

Mr. MARTINDALE then moved to add to the resolution the following amendment:

“And be instructed to report to this House an abstract of all laws in force in the District of Columbia, in anywise affecting the liberty of the person; and whether any, and what, portions of said laws have been repealed or modified by the Legislatures of the States of Maryland or Virginia.”

Which motion he accompanied with a few remarks of explanation.

The amendment was opposed by Mr. POWELL, who thought it imposed an unnecessary labor on the Committee of the District of Columbia; and the question being taken, it was negatived.

The question was then taken on the original resolution of Mr. WARD, and carried by a large majority.

THURSDAY, December 28.

*Isthmus of Panama.*

Mr. REED moved the following:

*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of establishing a line of communication from some port or place in the United States, across the Isthmus of Panama, to some port or ports on the Pacific Ocean.

Mr. REED said, that it would be remembered

that the subject to which he was now desirous to call the attention of the House, had been presented for their consideration by the report of the Secretary of the Navy, the last year, which accompanied the President's Message. I did, (said he,) during the last session, offer a resolution, which passed this House, of similar import with the one now under consideration. The Committee on Naval Affairs did not find time to report upon the subject during the last session.

As that resolution was misunderstood by some, presuming a canal or railway was contemplated, I deem it expedient to offer a few words in explanation of my views upon the subject.

We have a considerable naval force in the Pacific Ocean. That force will not be diminished, but may be increased, so long as we may have a navy, and foreign commerce. How important is it to communicate instructions to, and receive despatches from, our squadron there. Look at their situation—the vast extent of country they visit, the different nations they visit bordering upon that extended coast, subject to changes, and perhaps revolutions. Look, also, to the islands with whom we have intercourse, inhabited by savages. No portion of our navy needs instruction so much or so often, and yet we cannot give and receive information from that squadron in less time than eight months. By the contemplated route, information may be carried from one of our ports, across the Isthmus of Panama, to Lima, and receive an answer, in about three months, less than half the time required in the circuitous route around Cape Horn, saving a voyage of more than ten thousand miles. It would afford means of sending and receiving despatches from our Ministers and Agents in the South American Republics. It would afford great facilities to our commerce in that ocean—commerce already considerable, and which is increasing, and will continue to increase. Our commerce, and the various interests inseparably connected with it, require all the facilities which the Government can afford. It would afford important advantages to our whale fishery. We have in that ocean a hundred whale ships, the greater part from my own neighborhood and district. These ships have two thousand men on board, and their voyages continue for three years. I acknowledge it would be gratifying and useful to afford an opportunity to these men to advise their friends and those interested, of their success or misfortune. It would afford to all who might be situated in that distant ocean, an opportunity to send to, and receive letters from, their friends.

I am fully convinced that the proposed communication is highly important in every relation. I hope its importance, especially as the expense of carrying it into effect is very inconsiderable, may receive the early attention of the committee.

The resolution was then agreed to.

*Roads in the Territory of Michigan.*

On motion of Mr. WING, Delegate from Michigan, the House went into Committee of the Whole, Mr. CONDIOT in the chair, on the bill to "authorize the laying out and opening certain roads in the Territory of Michigan."

The several blanks in the bill were filled, one with 1,500 dollars, for surveys, and two others with 12,000 and 25,000 dollars, for opening the several roads mentioned in the bill.

Mr. VANCE explained the situation of the roads referred to, and their aspect on the military defence of that territory; that from Detroit to the river St. Clair, being intended for the purpose of throwing troops, in time of war, into the Upper Lake country, should the British fortify and hold the water communication; that from Detroit to the Saginaw Bay, led into the heart of the Chippewa country; that from the same place to Chicago, into the heart of the country of the Pattawatamie and Miami Indians. Both these would give access to the enemy in case of an Indian war.

The bill was then reported as amended, and ordered to be engrossed for a third reading.

FRIDAY, December 29.

*Internal Improvement.*

Mr. RIVES moved the following resolution:

*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of discontinuing the annual appropriation heretofore made for defraying the expense of such surveys of routes for roads and canals as may be directed by the Executive, and of substituting therefor, distinct and specific appropriations for surveying such routes only as shall be authorized by Congress.

The resolution being read—

Mr. RIVES said, that, in presenting the resolution just read, it might be proper for him briefly to state the general reasons which led him to believe that the inquiry proposed by it was such a one as was fit to be entertained by this House. It would be recollected that, during the first session of the Eighteenth Congress, after a protracted and elaborate discussion of the abstract constitutional question, a law was passed, authorizing the President to cause surveys to be made of such routes for roads and canals as "he might deem to be of national importance," and making an appropriation of 80,000 dollars for the purpose of carrying the objects of that act into effect. During the second session of the same Congress, an appropriation was introduced into the General Military Appropriation Bill, of another sum of 28,000 dollars, for "making surveys, and carrying on the operations of the Board of Engineers, in relation to Internal Improvements;" and a similar appropriation was again inserted in the Military Appropriation Bill of last year, of 50,000 dollars, for "defraying the expenses incidental to examinations and surveys, preparatory to, and in aid of, the forma-

tion of roads and canals." It will be perceived, from the recital I have given of the two last acts of Congress, that they are silent as to the authority by which the subjects for these surveys were to be designated; but they were, probably, intended at the time, and have been since acted upon by the Executive, as continuing in the President the same discretionary authority which was originally vested in him by the act of 1824. It has so happened, that the propriety of transferring to the Executive Department this large discretionary power over the public money, has never received the separate consideration, or explicit sanction of this House. In 1824, it was merged in the constitutional question respecting the power of Congress to act upon the subject of internal improvements, which was the sole ground of debate on that occasion; and in 1825 and 1826, from the position it occupied in the General Military Appropriation Bill, it was overshadowed and lost sight of amid the variety of other objects with which it was surrounded. I cannot help believing, said Mr. R., that, when this subject shall engage the serious deliberation of this House, it will be found that we have fallen into a gross departure from the true genius of our Government and the sound maxims of republican policy. The control of the public money, and the designation of the objects upon which it should be expended, are among the highest trusts confided to the legislative authority of the Union; and, to assign the performance of these trusts to any other hands than our own, is an unwarrantable and dangerous delegation of our powers. This delegation, in the present instance, is the less excusable, because the duty we assign to the President, is one to which we are entirely competent ourselves. It is admitted by all the friends of internal improvements, under the auspices of the General Government, that, in their legitimate scope, they are confined exclusively to objects of a pervading *national character*. These objects cannot be very numerous, and, if they were so, surely we who come from the various divisions of the Confederacy, and are presumed to be acquainted with the mutual connection and dependence of the several parts, are as well qualified to determine what objects are of general interest to the whole, as any individual, however elevated his station, or justly entitled to respect his opinions may be. Among the many salutary counsels delivered by our great political reformer, (I allude, said Mr. R., to Mr. Jefferson,) there was none more earnestly and frequently inculcated by him than that of "appropriating specific sums for every specific purpose susceptible of definition." The objects embraced in a *national* system of internal improvement, are surely capable of being defined; and I trust we shall avail ourselves of the occasion, now presented by the recurrence of our annual appropriations, to return to sound principles from which we have inconsiderately gone astray. There is,

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*Internal Improvement.*

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besides, said Mr. R. an obvious incongruity in our present mode of proceeding upon this subject. The power of surveying routes for roads and canals is assigned to one department of the Government, while the power of constructing them is retained by another. In consequence of a difference of opinion between the two departments, it may, and no doubt will happen, that the President will cause routes to be surveyed, which Congress may not consider of sufficient importance to justify an application of the national resources for their construction, and thus a useless expenditure of the public treasure, to a large amount, may be incurred, and at a time, too, when we are reminded, from the highest authority, "of the necessity of abiding by the maxims of the most vigilant economy." But the most serious objection to this system of legislation remains to be noticed. It is its tendency to destroy the true balance of the constitution—to increase, dangerously to increase, the influence of one department of the Government at the expense of another—to strengthen that arm of the public authority which is already sufficiently powerful—and to make gratuitous additions, by legislative concession, to that mass of patronage secured to the Executive by the provisions of the constitution, and which the legislative authority has no power to reduce. It was not my object, said Mr. R., to dwell on any of these topics. I have barely adverted to them, for the purpose of showing that there are considerations involved in the inquiry I have proposed, of the deepest import to the sound administration of the Government, and in order to attract to them the deliberate attention of the House, and of the committee to which the subject is submitted. If it should become necessary, in the farther progress of the measure, I will endeavor to develop my views of this subject, in all its bearings, more fully to the House.

Mr. BARTLETT said he was happy the attention of the House had been called to the general subject of the manner in which appropriations are made by this House. A resolution had been lying, for some days, on his table, which, from that reluctance he ever felt to trouble the House, he had forborne to offer, the object of which was nearly allied to that of the gentleman from Virginia—but it covered more ground and went farther than this. He was persuaded that, on examination, it would be found, that there is not a Government on earth, where public money is appropriated as it is in ours. Estimates are sent to us from the departments, in a shape, which he did not say was improper, (as he did not doubt the talent of the officers concerned,) but which, to many, was certainly not clearly intelligible. These communications were usually referred to very able committees, but no committee is justly expected to be acquainted with all the various departments of information embraced, especially in the annual report of the Treasury, and which are derived from a great variety of

sources. The duty of the Committee of Ways and Means does not demand that its members should be familiar with all these particulars, since its appropriate duty is no more than to point out the manner in which the resources, to be appropriated by the House, shall be best applied. But, as things now operate, the power of appropriation resides, practically, in the Heads of Departments, whilst the responsibility of the appropriating power rests on this House. The departments are in the habit of asking for specific sums as in part payment for such and such objects—while the whole amount, which the several objects require, is never stated, and nobody knows how great it may be. The complaint was frequent, that the communications are unintelligible, especially to new members, and, indeed, to old members too, unless they will take the labor of extensive and tedious investigation of documents. He, therefore, offered the following amendment, which, he hoped, would be accepted by the honorable gentleman from Virginia, as a modification of his own.

*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of requiring, that, hereafter, all estimates of appropriations for the operations of the different Departments of the Government, when the same are to be applied to the construction of works of a permanent character, shall be accompanied with a general description of the work proposed, with an estimate of the entire cost for its completion, and, from year to year, with a statement of the sums expended, and the balance which will be required.

*Resolved, also*, That the same committee inquire into the expediency of making provision, by an amendment of the rules of the House, or otherwise, that, hereafter, the estimates for Military service and defences shall be referred to the Committee on Military Affairs—the estimates for Indian expenditures to the Committee on Indian Affairs—the estimates from the Navy Department, to the Committee on Naval Affairs—and the estimates for the Public Buildings, to the Committee on the Public Buildings; and, that the several committees shall make report upon the same, before any bill, making appropriations for the purposes of such estimates, shall be considered by the House.

It was proper, Mr. B. said, that, in public, as much as in private concerns, when any undertaking was entered upon, to sit down first, and count the cost. The effect of the resolution would enable the House to do this. The committees of the House can then pronounce with confidence on the propriety of making the appropriations asked; and the power of appropriation will then be, where it ought to be, with the responsibility. He had not the least intention of reflecting on the Heads of Departments; he knew their entire competency to the discharge of their arduous duties. He did not reflect on the men, but on the system—on the mode of business pursued. The result of such a plan often was, that an object, which had been recommended by one of these officers, and in part, appropriated for, was disapproved by his successor in office; and thus the House

pulled down what it had built up, and the public money was uselessly squandered.

Mr. RIVES replied, that it did not appear to him, from having heard the resolution of the honorable gentleman read, that its tenor and intention were at all parallel with the views he had in offering his own. It contained no reference to the surveys made for works of internal improvement—no allusion whatever to the subject of roads and canals, or if to them, in general terms, not to the expenses of the preliminary steps which led to their adoption, nor to the discretionary power of authorizing those expenses and controlling them.

The subject to which his own resolution had reference, stood, he thought, in a peculiar situation; in no law ever passed by Congress, was so wide a discretionary power intrusted to the Executive. A gross sum, and a very large one, was put into his hands, for the purpose of having such roads and canals surveyed as he might judge promotive of the national advantage. But was not the House as competent as the President of the United States to judge which of the various objects proposed would promote that object? Where was the need of reposing this immense discretionary power in the hands of the President? He thought the House should retain it in their own hands: that a gross sum ought not to be given; but that specific appropriations ought to be made, wherever practicable, for these preliminary surveys, as well as for any subsequent stage of the several works. He saw much to approve in the gentleman's resolution, but he must pardon him if he declined accepting it as a modification of his own. As a separate and independent resolution, if offered by that gentleman, he would cheerfully vote for it.

Mr. BARTLETT then observed, that, as the two resolutions had a general reference to the same subject, and as there was a possibility that the objects of both might be embraced by uniting the two; with this hope, he would move that the resolution of the gentleman from Virginia, together with his own, as an amendment, be laid on the table and printed.

The motion prevailed, and the resolutions were laid on the table accordingly.

(On a subsequent day Mr. BARTLETT withdrew his motion to amend, and the resolution of Mr. RIVES was agreed to.)

*A Memorial of the Vice President of the United States.*

The Speaker laid before the House the following communication from JOHN C. CALHOUN, Vice President of the United States, viz:

*The Speaker of the House of Representatives:*

Sir: You will please to lay before the House, over which you preside, the enclosed communication addressed to that body.

Very respectfully, yours, &c.

J. C. CALHOUN.

*To the Honorable the Members of the House of Representatives:*

An imperious sense of duty, and a sacred regard to the honor of the station which I occupy, compel me to approach your body in its high character of grand inquest of the nation.

Charges have been made against me of the most serious nature, and which, if true, ought to degrade me from the high station in which I have been placed by the choice of my fellow-citizens, and to consign my name to perpetual infamy.

In claiming the investigation of the House, I am sensible, that, under our free and happy institutions, the conduct of public servants is a fair subject of the closest scrutiny and the freest remarks, and that a firm and faithful discharge of duty affords, ordinarily, ample protection against political attacks; but when such attacks assume the character of impeachable offences, and become, in some degree, official, by being placed among the public records, an officer thus assailed, however base the instrument used, if conscious of innocence, can look for refuge only to the Hall of the immediate Representatives of the people. It is thus I find myself most unexpectedly placed.

On Wednesday morning last, it was for the first time intimated to me, that charges of a very serious nature against me were lodged in one of the Executive Departments: during the day, rumors from several quarters to the same effect reached me; but the first certain information of their character, was received yesterday morning, through one of the newspapers of the District. It appears, from its statement, that I am accused of the sordid and infamous crime of participating in the profits of a contract formed with the Government, through the Department of War, while I was intrusted with the discharge of its duties, and that the accusation has been officially presented as the basis of an official act of the War Department, and consequently to be placed among its records, as a lasting stigma on my character.

Conscious of my entire innocence in this and every other public act, and that I have ever been incapable, in the performance of duty, of being influenced by any other motive than a sacred regard to the public interest, and resolved, as far as human effort can extend, to leave an untarnished reputation to posterity, I challenge the freest investigation of the House, as the only means effectually to repel this premeditated attack to prostrate me, by destroying forever my character.

J. C. CALHOUN,

*Vice President of the United States.*

WASHINGTON, 29th Dec. 1826.

Mr. FLOYD said, that such was the rapid succession of members in this House, that there were but few now present who were members of it, when the contract, referred to in the Vice President's letter, had been a subject of examination on this floor. He was then a member, and would say, that he had paid particular attention to this contract, and, in some points of view, it had met his disapprobation and censure. He could say, farther, and the old members could bear him out in the assertion, that he was seen in opposition to many of the measures of the War Department, during the time

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the present Vice President presided over it, and frequently thought them too bold, and not sufficiently economical; but he had never seen any thing to impeach the integrity of that gentleman, nor did he now see any thing to impair the opinion which he had always entertained of his character. But a charge is now made against him, and I approve (said Mr. F.) the manner in which he has met it, by a prompt demand for an investigation on this floor. I believe it to be a calumny—I regret, exceedingly regret, that a charge of such a nature, upon such foundation, should be brought against an officer so high in public office, and I may add, so high in public favor; and I will lend my efforts to an examination of the charge, and the suppression of the calumny.

We have fallen on evil times, when such a man has to answer such a charge—but, much as it may concern him, I consider it also as concerning the country itself, and the form of Government under which we live. The honor of our public officers, is ours as well as theirs. A stain upon their official conduct is an injury to the Government which they administer; and, while ready to proceed against them for misconduct, when, unhappily, cause may exist for so doing, it is our duty to see that unfounded charges shall be exposed and detected. Difference of opinion upon the economy, the propriety, the wisdom of public measures, is one thing; but to attack the official rectitude of an officer is another. In such attacks, if unjust or unfounded, we attack our Republican form of Government; we give joy and triumph to all its enemies; we weaken its claim to respectability, and hasten its downfall. We should recollect that we are closely watched by all the enemies of free Government in Europe. Since the fall of the great Napoleon, a Minister of the Legation has almost proposed to turn the fifteen hundred thousand bayonets of Europe against the liberty of the United States. Such audacious projects will be encouraged by every thing that brings odium upon our institutions; and nothing could bring more odium upon them than to show that our public men are corrupt. This calumny against the second officer of our Government, mean and despicable as it may be, will fly to Europe, and be reprinted there. Then let the refutation press upon its heels and destroy it. I rejoice that the Vice President has met the calumny as he has done. He demands an investigation on this floor. Let it be granted to him, and let justice be done. Mr. F. concluded, by moving that the communication of the Vice President be referred to a Select Committee.

Mr. COOK said, it would be recollected by a number of the members of the House, present, that the contract out of which the present application grew, was brought to the notice of the House on his call. When this Rip Rap contract, as it is called, was laid before the House, I examined it (said Mr. C.) with the greatest scrutiny, and with the closest applica-

tion; and I take this occasion to declare, that I did not discover the most trivial circumstance going to show that the then Secretary of War was in the remotest degree improperly concerned in it. This contract was examined by me, not once only, but four different times, and it is just that I should make this early disclosure, that I entertain not the remotest suspicion of impropriety against that officer in the transaction. I shall most readily vote for the investigation, said Mr. C., but not with the view of satisfying my mind on the subject.

The question then being put on Mr. FLOYD's motion, it was agreed to, with scarcely a dissenting voice. A committee of seven members was ordered: and,

On motion of Mr. CAMPBELL, the committee were empowered to send for persons and papers. And then the House adjourned to Tuesday.

TUESDAY, January 2.

*Relief to the Suffering Greeks.*

Mr. LIVINGSTON moved the following resolution:

*Resolved*, That the Committee of Ways and Means be instructed to prepare and bring in a bill making an appropriation of \$50,000, to be expended under the direction of the President, in the purchase and transportation of provisions for the suffering inhabitants of Greece.

Mr. LIVINGSTON spoke to the following effect: Having passed the first day of the year in the festivities analogous to the season, in the enjoyment of present happiness, the retrospect of past prosperity, and the pleasing anticipation of a continuance of the blessings of peace and plenty, let us dedicate the second to an act of general charity—not forbidden by our constitution—infringing the rights of no other nation, and highly honorable to our own.

I have before me a letter written by an honorable member of this House, containing a picture of distress that cannot fail to touch the heart of any one who reads it. The evidence it contains comes from a Greek, high in office and reputation. He endeavors to give an idea of the poverty and destitute state of his nation, "to whom," he says, "the foe has left no agriculture, no commerce, no arts." Cut off from all the usual means of subsistence, to the horrors of war are added the desolation of famine; war, in its most savage, remorseless state; famine, with the expectation of pestilence, its usual attendant—they are suffering this in the holiest of causes, and doing honor to the cause, by the courage, constancy, and unyielding spirit with which they support it.

If the stern dictates of national duty prevent our affording more effectual assistance, we have the satisfaction of knowing that, in this, at least, no civilized nation can, with justice, tax us with a breach of neutrality. It is not proposed to give a subsidy to the nation, or to supply them with the means of carrying on the war, but to clothe the naked, to feed the hun-

gry, to comfort the despairing—to do that which a civilized enemy would himself do. Women and children are the objects of this relief. The commerce in provisions is not contraband; our citizens may supply them, and why not the Government? And we are not without precedent to support it. The inhabitants of St. Domingo, driven from their country by a destructive insurrection, took refuge here, were hospitably received by our citizens, and generously supported from the National Treasury. A similar provision was made for the exiles from Cuba. These cases settle the constitutional question. The one I am about to mention is equally conclusive, but applies particularly to show that we have not thought the duties of humanity, in a similar instance, inconsistent with those of neutrality. In the year 1812, a dreadful calamity occurred in the province of Venezuela, then at war with Spain, or, as that power called it, in rebellion—the principal city of the province was overwhelmed by an earthquake. The United States immediately directed the very sum proposed by this resolution, to be laid out in supplies and sent to these sufferers; yet Spain never complained that this was a breach of neutrality; the nations of Europe never considered it as an act inconsistent with the laws of nations—and so far from losing, we certainly acquired national reputation. Now, sir, compare these cases with that under consideration. In the St. Domingo and Cuba cases, the sufferers belonged to a rich and powerful nation, whose duties for their relief might seem to supersede our interference. In that of Venezuela the destruction was principally that of the buildings in the cities—the country, its agriculture, its arts, its resources, remained untouched.

In Greece, on the contrary, we have one general picture of horror and desolation—theirs is the reverse of our happy state—their ploughshares are turned into swords—their pruning hooks into spears. The olives of Attica are rooted up; the harvests of the Peloponnesus laid waste; the vines of Samos are destroyed; their commerce and arts are annihilated; and no one circumstance that the strongest imagination could create is wanting to complete the picture of their misery. Is it possible that any but the strongest, the most insurmountable obstacles, can prevent our relieving such distress, when we have the means? I think it has been shown that neither our constitution nor our neutrality stand in our way. Will our constituents disavow us? We should insult them by the doubt. Will they who use the superfluous wealth with which they are blessed in the doubtful enterprise of converting the heathen of the East and West to the truth of Christianity, object to the certain relief of thousands of their Christian brethren from pestilence and famine! The preservation of Christians is surely as meritorious as it can be to multiply them by conversion.

I do not appeal to the sympathies of the

House for the cause in which all these miseries are suffered. It is not necessary, for I am persuaded that no man who hears me, feels differently from myself; and, if it were necessary, I have not talents for the task; but there are men in this assembly, (and I implore the aid of their talents and eloquence,) who, in such a cause, would carry the minds of all who heard them, to the conclusions favorable to the great cause of humanity and national honor which I plead. For myself, without the talent to persuade, I trust to the simple statement that here is a whole nation, professing the faith in which we believe, asserting the liberty for which we have contended, and which we enjoy: contending for them against a merciless and powerful enemy, with a courage not equalled, certainly not surpassed, in the heroic ages of their ancestors: that they are suffering not only the evils of the most savage warfare, but nakedness, famine, and want of every description; that they call upon us for aid, and that we have the means to afford it. The will, I trust, is not wanting. I shall not waste the time of the House by anticipating objections: should any be offered, I will endeavor to answer them.

Mr. McDUFFIE said he hoped that the House, before it agreed to the resolution just offered for its adoption, would first satisfy itself as to the effect which the measure proposed would have on the relations of this country with the belligerent powers. If the gentleman from Louisiana would satisfy him that, by the adoption of the resolution, the United States would not be made a party to the existing war between Greece and Turkey—that it would maintain our neutrality honestly and fairly—his only objection to it would be removed, and he would go with the gentleman heart and hand; all the feelings of his nature would urge him to give such a proposition his zealous support; and he was satisfied, for his part, that there existed no constitutional difficulties in the way. But, while it became the United States ever to act with magnanimity, and a regard to the dictates of humane feeling, it became the Government no less to act with openness, with directness, and with integrity, towards all nations. He was convinced that, according to the Law of Nations, the act proposed by the resolution of the honorable gentleman from Louisiana would, as an appropriation of money to the aid of the Greeks, be a direct violation of the neutrality of this country, and would, in fact, be an act of war. If the nation is to do any thing to aid the Greeks in their struggle, let us not vote this paltry sum of fifty thousand dollars, which may be squandered unprofitably, but let us put in motion the whole Navy of the United States in the cause. Let us act openly, and, if we are to do any thing, let us act effectually, upon a scale which becomes the national character.

Mr. LIVINGSTON was gratified to find that the gentleman from South Carolina (Mr. McDUFFIE) had no other objection to the resolution but that he thinks it would be contrary to our neu-

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tral rights, because Mr. L. thought he might be satisfied upon that head, and then he should count on his support.

If this were a grant of money, provisions, or other means of carrying on the war, (said Mr. L.,) it might be considered as a subsidy voluntarily offered, and of course inconsistent with our neutrality; but it is a supply to the necessities in the nation at large: and what must be convincing of its consistency with the laws of neutrality, is this: provisions are not contraband of war, except when going to a besieged place. The trade in them to Greece at large, is as lawful to our merchants now, as it could be if they were at peace. If the enemy of Greece should interrupt this trade by the capture of our merchant vessels, it would be a breach of our rights, and, if persevered in, a cause of war. This Government would be under the obligation of protecting its citizens in their lawful commerce. Now, would it not be a solecism to say, that the Turks have a right to consider us as parties in the war for the same acts which, if denied to our citizens, we should have a right to enforce by war? There cannot be two laws on this subject—one for the Government, another for its citizens. Either the Turks have a right to seize and confiscate any merchantman bound to a port in Greece, which is not blockaded, or they have no right to complain of the Government for sending the same supplies; but the right to carry provisions by neutral individuals to a belligerent, is one that has always been contended for by our Government, and has never been contested but in times of acknowledged irregularity and lawless force. Therefore, the same right exists in the neutral nation itself. This reasoning must have prevailed in the case of Venezuela. They, at the time we sent them provisions, were at war with Spain; and although, at that time, it was the strong case of insurrectionary war—a rebellion, as it was called by Spain—yet our humane interference, so far from being complained of as a breach of neutrality, or an improper interference between Spain and her insurgent Colonies, was then considered, and will be considered in history, as a measure honorable to the character of the country.

The gentleman from South Carolina thinks we should go farther—I understood him to mean if this is intended as a hostile measure. I agree with him that, if we intended to enter as a party in the contest, this would not be enough. But I do not propose it with that intent. I am as adverse as any member can be to advise any act, either unjust in itself, or that may give just cause of offence to any nation. Yet, if any case can exist that would justify a departure from the strict line of neutrality, it is the present. Would to God, sir, that we could render more effectual aid in this glorious struggle—would to God that, instead of purchasing one of the frigates intended for the deliverance of this distressed people, we could have furnished the means for the departure of both. As it is,

we have chained the LIBERATOR to our wharves, but have sent them the HORSE to support them under their cruel calamities. May the name be ominous of future success and final triumph to their holy cause.

Mr. HAMILTON said, that he did not rise for the purpose of discussing the feeling and interesting subject which the gentleman from Louisiana had brought to their view with so much enthusiasm, but for the mere purpose of expressing his regret that, on a question which his colleague (Mr. McDUFFIE) had very fairly put, as one involving the neutral relations of the country, the gentleman from Louisiana had not given his resolution the usual direction, by submitting a motion that it should be printed, and, for the present, laid on the table. The House, under the gush of the gentleman's eloquence, ought not now to be precipitated into a premature (which might in the end be a disastrous) decision.

He would, however, before he took his seat, in responding to the generous sentiments which the gentleman had expressed in favor of a gallant and suffering race, observe, that he thought his friend from Louisiana had not displayed his usual acuteness in replying to his colleague, (Mr. McDUFFIE,) by insisting that the neutrality of the country could not be endangered, if the provisions were sent to the people of Greece, and not to its Government. He would ask that gentleman, whether this was not a distinction without a difference? in a word, whether the people of Greece were not fighting against the Turks? and whether, if provisions were sent out to Greece by this Government, he would limit the donation to the wretched and forlorn women and children, who were, perhaps, at this moment, seeking a temporary refuge amidst those mouldering columns and porticos of departed greatness, which once made their country the wonder and delight of the world, without permitting the gallant soldiery, by whom their wrongs were to be avenged, to participate in one morsel of the bounty of this Government?

He thought too, the gentleman from Louisiana had been equally unfortunate in his distinction between provisions and munitions of war, by urging, in reply to his colleague, that the sending of the former to Greece, would be not contraband, and therefore, no invasion of neutrality. To this he could only say, that there were circumstances under which an aid by provisions might be the most efficient succor a belligerent could receive; and it was surely not necessary for him to remind the gentleman from Louisiana, that one of the most philosophical and enlightened writers on the Art of War, had long since said that food is one of the most material of its sinews. Whether we can, therefore, invigorate the nerves of the Grecian warrior by this aid, was a question far too important and delicate in its relations, to be decided without either past notice or even present deliberation.



He would frankly say, that, if, under the sympathy and excitement of such a theme, wrought by the fervid eloquence of the gentleman, he could be induced to vote for his proposition, and one man, calling himself an American, and endeared to him by the relations of a countryman, should suffer in a foreign land from the bowstring of the Turk, for one he would confess that such a vote would hereafter never be a subject of comfort or congratulation to himself. To give the House, however, time to weigh the import of the gentleman's resolution, he would move that it lie on the table and be printed.

The motion prevailed, and the resolution was accordingly laid on the table, and ordered to be printed.

THURSDAY, JANUARY 4.

*Food for the Florida Indians.*

On motion of Mr. WHITE, it was

*Resolved*, That the Committee on Indian Affairs be instructed to inquire into the expediency of providing by law for the removal of the Florida Indians.

Mr. WHITE said, in introducing the resolution which he had the honor to submit, he was aware of the departure it proposed from the established policy of the Government, in regard to the Indian tribes within our boundaries, and of the deep necessity for such a change, whether we consult the interest of the Government itself, or the miserable remnants of the aborigines of this continent. It is a fact, too notorious to be questioned on this floor, that the appearance of negotiation with the Indian tribes for a cession of their land, was only a solemn farce, the forms of a contract, in which there is neither the justice of an equal, nor the magnanimity of a superior. The United States have, by statute, disfranchised every nation of Indians within their boundaries, by declaring they shall not alienate their lands to any other power; and if they had followed up the system, after denying their sovereignty in this explicit act of legislation, and adopted some plan for the security and civilization of that unfortunate race, it would have saved them from final extermination, and prevented the frontier settlements from being stained with the blood of our citizens. They deny them the right of dominion over their lands, and yet negotiate with them with all the formality of equal and independent sovereigns. The time has arrived when the United States, from the considerations of policy, and the dictates of humanity, should subject them to their absolute control, and dispose of them in such a manner as may be best calculated for their preservation and support. Whatever, said Mr. W., may be the general plan which the wisdom of the Executive and Congress may adopt, it is my peculiar duty to submit, for the consideration of this House, the inquiry which this resolution proposes, and the remedy must either be applied,

or the Indians subjected to absolute starvation. Indeed, they have been subsisting, for the last twelve months, on the bounty of the Government, and the plunder and robbery of my constituents. To relieve them from this situation, this course was suggested at the last session of Congress, and having failed, an application was made to the Secretary of War for the appointment of Commissioners for the purpose of seeing what could be done by the usual expedient of negotiation. That having failed, the crisis has at last arrived, whether the people of Florida must support the Indians, in a state of starvation, or be massacred for refusal. The issue is fairly made up, and the work of murder having been begun by the Indians, of women and children, the scene that I predicted last Winter is now exhibited. The people of that country are driven, in defence of their homes, their wives, and children, to take up arms; and those who survive their just indignation, must be removed to some other quarter, or perish.

During the last session of Congress, in the discussions on this subject, it was emphatically, and rather reproachfully, asked, what brought these people to their present abject and miserable condition? I answer, that the inhabitants of Florida had no instrumentality in it. It was the Government itself, by a decision most unexpected and extraordinary. The Indians, as a nation, had surrendered all title to the country, in a treaty with the Spanish Government, in 1784, and were tenants at will of that Government, having no permanency of habitation, or specified limits, but extending in detached bodies, from the St. John's to Pensacola—a tract of country 850 miles in extent, and occupied by several broken tribes and fugitive Creeks, who had fled to that territory for an asylum during the Creek war. Spain ceded the Floridas to the United States without any reference to their title, which had been before extinguished, in absolute dominion and full property; and the United States being thus possessed, were fully authorized to remove the Indians where and when they pleased. All these facts were communicated to the Government, and laid before Congress, in 1823. So early as December, 1823, I addressed a letter to the Secretary of War, alleging these facts, and vindicating the right of the United States to pursue that course, and the many considerations for such a disposition of them. It was obvious that the United States would not surrender such a country to a few thousand Indians, widely scattered along our sea-coast—the acquisition and advantages of which to the United States, had been the prominent consideration in the negotiation of the treaty with Spain. The Government were then informed, in that letter, that the Indians, even in the possession of this immense tract of country, from the scarcity of game, had been reduced to great extremities, and that it would be impossible that they could be continued. The danger of their acting as pioneers, for conducting an enemy into

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the interior, the necessity of an efficient population on our southern border, the repugnance of the whites to settle in that vicinity, and the consequent injury in the sale of the public lands, were all urged as auxiliary causes for their removal—at the same time and before, when General Jackson was Governor of Florida, he urged the same cause—all of which was submitted to Congress. The Indians expected to be removed. The fugitive Creeks were preparing to go back to their nation, when, to our astonishment, instructions were issued for holding a treaty, and a formal cession of that which they had not, and never would have pretended to, was to be made to the United States, who covenanted to surrender them four millions thirty-two thousand acres of land, with the privilege of extending the northern boundary to an undefined extent, besides large stipends. The Government alone, then, with a knowledge of all these facts, are responsible for their present situation; and they have been reminded from time to time, by petition, resolution, correspondence, and remonstrance, of the fatal policy. The President of the United States asked of Congress an appropriation of fifty thousand dollars to retrieve their sufferings, and to remove them. It passed the Senate, and was denied here, under a pretext of humanity, and the reluctance of removing them to more northern latitudes. Sir, it must be notorious to every one not entirely ignorant of the Indian character, that they cannot live within their present assigned limits. There is no game; their habits are averse to the cultivation of the soil. When they attempt any thing of that sort, it is in the article of corn—that will not grow there. By this miserable policy, the Indians have been placed in a region suited only to the cultivation of Sugar, Sea Island Cotton, and all the tropical fruits, of the cultivation of which they have not the most remote idea, when there are large districts of country, west of the Mississippi, abounding in game, and suited to their habits of life, and the only cultivation with which they are familiar. No one who is unacquainted with the facts can form any idea of the injuries and losses to which the United States have been exposed by the continuance of the Indians in this territory. The large sugar planters are unwilling to come into the country; their capital is unemployed, the prices of land are depreciated, agriculture checked, emigration stopped; land, purchased by speculators, for the want of competition; the inhabitants robbed, and now murdered. These are the evils of which we complain, and which I have been endeavoring to remedy by my feeble exertions since I had the honor of a seat here. If any gentleman supposes the Indian can ever be made to cultivate the sugar cane, the olive, vine, or orange, he has a strong conception of his character. It will be a greater revolution than all your arts of civilization has ever yet been able to accomplish. There is but one remedy, and that is

the one now proposed. It is the interest of the Government, their right, and it is, above all, the only one that will satisfy the higher calls of justice and humanity. To the west of the Mississippi there are extensive forests, where the Indians can indulge in habits congenial with their nature and inclinations, where, from their remote situation, they will not be intruded upon, or involved in unavoidable collisions. They will not be in a situation to furnish facilities to an enemy upon an exposed frontier, in time of war, or to murder our wives and children, in time of peace. I believe that for ten thousand dollars, in 1822, the Indians might have been removed, the Creeks driven back to their nation, and the Seminoles taken anywhere that the Government would direct. The present arrangement has cost the United States near two hundred thousand dollars, four millions thirty-two thousand acres of land, and the blood of many unoffending women and children, in all probability, before this time; and they are in a worse condition now than they were at that time.

Mr. W. concluded with a hope that the resolution would pass, and that some speedy and efficient measures would be adopted.

*Surviving Officers of the Revolution.*

Mr. BURGESS moved to postpone the order of the day preceding the bills he had before named, and to consider these bills. The motion prevailed; and the House then went into Committee of the Whole, Mr. CONDUCT in the chair, on the bill for the relief of the surviving officers of the Revolutionary war.

Mr. BURGESS said: Although many things have already been said concerning the subject now before the Committee of the whole House, yet, because, since that time, it was referred to the Committee on Military Pensions, and now comes up on their report, some explanation of that report may, at this time, be expected. I stand before you, sir, for the purpose of attempting to make that explanation. Every thing connected with the Revolutionary war is interesting to the people of this country; but nothing is so deeply interesting as the venerable survivors of that Army which conducted that war, in the camp and in the field. It is not from any powers at my command, of placing before you the concerns of these men, but from their moral qualities, and the peculiar relations existing between them and our country, that I now hope for your candor, your patience, and attention; and, notwithstanding their cause may be hopeless, in the hands of such an advocate, yet must it, I am persuaded, be perfectly secure, before such a tribunal.

It will be recollected that this subject came into this Congress at its first session, in consequence of the President's Message, and of a petition from the survivors of those officers of the Revolutionary Army who continued in service until the close of the war. The petition was referred to a select committee, and so much of the

President's Message as related to this subject, to the Committee on Military Pensions. In the course of debate on the bills respectively reported by these committees, a recommitment, with instructions, was moved—and they were both, with instructions, recommitted; the result of that recommitment is the report of the Committee on Military Pensions, made in pursuance of those instructions, and stating “the number of those who served in the Revolutionary war, for whom provision ought to be made by law, the amount necessary to make such provision, and the manner in which it should be made.” This report is now before this committee, and a complete explanation renders it necessary to divide those for whom, according to this report, provision ought to be made by law, into two classes. The first comprehends all the survivors of those officers, who continued in service till the close of the war, supposed to be four hundred, together with the surviving widows of such of those officers as have died since that time, supposed to be three hundred and forty-seven.

The amount necessary to make provision for this class, is, in this report, stated at \$1,000,000. The manner in which this provision ought to be made, is therein proposed and detailed, giving to such officers 800,000 dollars, to be distributed to them according to their rank and pay, while in service, in a stock bearing a yearly interest of five per cent. payable quarterly, and redeemable at the pleasure of the nation. The amount of 200,000 dollars, provided for the widows of this class, is applied to their relief, by paying to each of them out of it, one hundred dollars a year, in quarterly payments. This fund is to be annually charged with these payments, and the balance annually credited with interest, at five per cent. It is calculated that this fund, so managed, will make provision for these venerable matrons during the remainder of their lives. The balance, if any then remain, will fall to the Treasury of the United States.

The second class comprehends all the survivors of those who, in the Revolutionary war, were engaged in the land or naval service of the United States during the continued term of nine months or upwards, being regular troops, either of, or not of the line, and not being pensioners of the United States, or of any one of them. It also comprehends all the surviving widows of such as served in manner as aforesaid, and who were also not on any roll of pensioners. The number of men of this class, for whom provision ought to be made by law, is stated by the report, and stated on the authority of facts drawn from the Department of War. The number of the army now alive, (not including the officers of the first class,) is not more than 18,500; of these, 500 are regular troops, not of the line, and served from one to three years. On the continental establishment are 1,500, who served nine months or upwards; 2,000 who served one year or upwards;

8,000 who served two years or upwards; and 11,500 who served three years or upwards. The number now on the pension list is 12,985. The number, therefore, not on the list of pensioners, who served in the Revolutionary war, of this class, for whom provision ought to be made by law, is 5,515. It is stated in the report, and the statement is made from calculations, that the number of widows of this class is about 4,729. The amount necessary to make provision for this class, is in the report stated at \$2,000,000. The manner of making this provision, is similar to the manner of making that for those of the other class. It consists in creating \$1,200,000 of five per cent. stocks, and distributing them according to rank and duration of time in service, to this last remnant of the Revolutionary army; and, in appropriating \$800,000 to the creation of a fund, out of which to pay annuities of \$30 each to the surviving widows, of such of this class of the army as have now passed beyond the reach of national munificence. You, therefore, have, sir, in this report, according to the instructions, the probable number of those who ought to be provided for by law; the amount of that provision, and the manner of making it. The reasons inducing your committee to make this report, involve many considerations. This committee had in view the character of the army; the nature of their service; their compensation.

It may, by some, be deemed a waste of time to speak of the character of an army which fills so large a space in the history of the last century. It is not so considered by those who wish to place the whole of this subject under one view, and to make one more attempt to redeem their country from any imputation of injustice or illiberality towards this army. Besides, it was not forgotten that in this House it had been said, the resolutions for enlarged pay, and pensions for life, were extorted from Congress by a spirit of mutiny in the army, and made merely to appease that spirit, and save the country from its consequences. Although all who know the facts must know that none of the relations of verisimilitude exist between those facts, and these assertions; yet, because what we are doing to-day will become a part of the history of that army, and of our country, I would not permit that history to pass into the hands of the children of future generations, with one page where such assertions found, for one moment, shelter under silence, or stood an instant unrefuted by the recorded truth. The character of this army, sir, has stood unimpeached, while the greatest men on earth have been calumniated. That “slander which doth belie all corners of the world,” had not belied this army. General Washington, in his letter to Congress, dated March 18th, 1783, gives this high testimonial to their glorious character: “I am,” says this illustrious man, “pleading the cause of an army which has done and suffered more than any other

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*Removal of Choctaw and Chickasaw Indians.*

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army ever did, in the defence of the rights and liberties of human nature."

Mr. BURGESS moved to strike out all of the bill after the enacting clause, and insert an entirely new bill.

Before any question was taken on this motion, Mr. MITCHELL, of Tennessee, moved that the committee rise, report progress, and have leave to sit again.

The motion prevailed.

FRIDAY, JANUARY 5.

*Navy Yard at Philadelphia.*

Mr. BARTLETT, from the Naval Committee, reported the following joint resolution :

" *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be directed to request the Government of the State of Pennsylvania to cede to the United States jurisdiction over such lands as are owned by the United States, and improved for public purposes, at the Navy Yard near Philadelphia.*"

This resolution was twice read.

Mr. BARTLETT, in reporting this resolution, said, that the object of it was to put this Navy Yard on the same footing with other similar establishments of the United States. The ground covered by it had been subjected to taxes under the authority of the State of Pennsylvania. On investigation, it appeared that no right had been acquired by the United States to jurisdiction over it; and the Secretary of the Navy has not felt himself authorized to apply for the cession without previous authorization by Congress. Upon this state of things this resolution was founded.

Mr. WURTS took this opportunity to explain his view of this subject. At the last session of Congress, many gentlemen had thought this property had been subjected to a State tax by the authority of the Legislature of the State of Pennsylvania. This was not the fact, because there was no direct State land tax in Pennsylvania. But it had been subjected to county rates. The county officers had no right to omit these lands in their assessment, until they should be exempted by the State authority from taxation. This had not been asked by the Government of the United States: if it had been, it would not have been refused. If now asked, he presumed the State would assent to the request, as it had done to a former request in reference to streets running through the yard. The resolution now before the House was in a different spirit, and of a different character from that before the House at the last session, on the same subject, and he saw no reason to oppose its passage.

The resolution was then ordered to be engrossed.

*Discriminating Duties on Swedish Vessels.*

Mr. TOMLINSON, from the Committee on Commerce, reported a bill to exempt Swedish and Norwegian vessels, and the merchandise im-

ported therein, from the payment of discriminating duties of tonnage and impost, for a limited time, and for other purposes.

The bill having received two readings—

Mr. TOMLINSON remarked, that, before making a motion which he intended to make with the view of giving a direction to the bill which would enable him to bring it to the consideration of the House at an early day, he would take leave briefly to explain the necessity of promptly passing the bill.

Mr. T. proceeded to state that, on the 25th of September last, the commercial treaty between the United States and the King of Sweden and Norway, of the 4th of September, 1816, expired. By that treaty American vessels, their cargoes, of American produce, were entitled and exempted from the payment of discriminating duties of tonnage and impost in the Swedish ports and vessels; and their cargoes, belonging to the subjects of the King of Sweden, were entitled to a like exemption in the ports of the United States. The Chargé d'Affaires of the King of Sweden, at Washington, on the 26th of September last, officially announced to our Government, that the King of Sweden had determined to observe the stipulations of the treaty, on his part, although the same had expired. Swedish vessels have recently arrived in the ports of the United States, and been subjected, by the existing laws, to the payment of the discriminating duties, which had been suspended by the treaty.

The course to be pursued by the Government of the United States is plain. It ought to reciprocate the frank and friendly conduct of the King of Sweden, and to exempt Swedish and Norwegian vessels and their cargoes, the produce of Sweden and Norway, arriving in the ports of the United States, from the payment of discriminating duties for a limited time. This time, said he, need not be long; for the expectation may be justly entertained, that the negotiation pending between the two Governments will speedily terminate in the renewal of the expired treaty. This Government, too, ought promptly to refund or remit any discriminating duties that may have been paid or secured to be paid, under any such circumstances.

The bill, on motion of Mr. T., was then referred to the Committee of the Whole on the state of the Union.

SATURDAY, JANUARY 6.

*Removal of Choctaw and Chickasaw Indians.*

Mr. HALE moved the following resolutions :

1. *Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of making an appropriation to aid the removal of such Choctaw and Chickasaw Indians as may be disposed to emigrate west of the Mississippi.*

2. *Resolved, That the same committee be further instructed to inquire into the expediency of reimbursing to such of the missionaries as may accompany the said Indians in their removal, the money*

expended by them in the erection of buildings, to aid them in the erection of other buildings for schools.

In support of the first resolution, Mr. HAILE observed that it must be well known to the House, that, to make further appropriations for the purpose of obtaining land from the Indians, by treaty, was perfectly useless. It was so, because the Indians are completely under the control of white men, whose interest is adverse to such cession. The object embraced in the resolution was important not to Mississippi alone, but to all States similarly circumstanced in relation to the Indian tribes. It was the interest of all such States that every facility should be given for the removal of this population to the west of the Mississippi; and they would have emigrated long since, if there had been any appropriation for the purpose of aiding them in their removal. But they were ignorant of the country through which they had to pass, and they never would cross the swamps and go to the place assigned for their future abode, unless some steps were taken to encourage and assist them. [Mr. H. here read the following extract from the report of the Secretary of War on this subject: "Many of the Indians (Choctaws) are disposed to emigrate, but are so ignorant of the route, or the means by which they can reach the contemplated settlement, that they are deterred from making an effort; but, with an active, intelligent conductor, who could inform them where, and how, they could obtain such aids as the Government will furnish them on the route, many would, in my opinion, soon set out for a country so much better adapted to their wants and habits than where they now are."'] The object of the second resolution he stated to be, to reimburse the missionaries now among the Chickasaws and Choctaws for the value of the school-houses they have erected, and which must, in case of removal, be abandoned. He considered it politic in Government to conciliate these missionaries, as no measure could succeed among the Indians if these persons exerted their influence to oppose it. He considered it as highly important that the missionaries should accompany the tribes in their removal, as their presence and influence on the other side of the Mississippi might operate to prevent bloodshed among the different tribes.

Mr. COCKE (Chairman of the Committee on Indian Affairs) said, that if his friend from Mississippi had paid attention to a bill which had, at the last session, been reported by the committee to which he belonged, and had been reprinted the present session, he felt persuaded he would not have offered this resolution. He would find, on examining that bill, that it went much further than the resolution—including in its provisions all the Indians who were to remove, and securing whatever was requisite to effect their removal. Should that bill pass, the whole object of the resolution would be obtained; but, if not, then it would be inexpedi-

ent and improper to make a distinction between the Indians of Mississippi and those in other States quite as anxious to get rid of them. If the resolution should be adopted, its only effect would be to give the Committee on Indian Affairs the trouble of stating, in a written report, the same things in substance as he had now stated verbally.

Mr. HAILE disclaimed all intention to embarrass that committee; but the State he had the honor to represent was peculiarly situated—two-thirds of its chartered limits were occupied by Indians, and one of the largest counties in the State was separated by their interposition from the rest of the settled portion of the country; hence, great inconvenience arose, especially with respect to absconding debtors, taxable land, &c. It might be true that the bill covered all the objects of the resolution; but it included other provisions which might cause its rejection, and to which the resolution would not be exposed. Similar laws had passed Congress for the benefit of other States; yet Mississippi had waited with patience, and had never been clamorous for her rights, &c.

Mr. McLEAN, of Ohio, inquired whether it was in order to propose to do by resolution what had already been done in a bill, reported by the very committee named in the resolution.

The Chair decided that, if the resolution contained no matter different from the bill, it would not be in order; but he believed that part of it in relation to reimbursing the missionaries for their school-houses was not in the bill. The resolution was, therefore, not out of order.

Mr. McLEAN then moved to lay it upon the table, which prevailed, and the resolution was laid on the table accordingly.

[On a subsequent day the resolutions were agreed to.]

#### *Exportation of Free People of Color.*

Mr. WREMS offered the following resolution:

*Resolved*, That a special committee be appointed by this House, to inquire into the expediency of making an appropriation for the transportation of such free people of color as may wish to be sent to the colony at Liberia.

Mr. WREMS said it was not his intention, at the moment of offering a subject of this nature for the consideration of this honorable body, to attempt entering into the merits of the proposition, because he would wish it to remain for consideration; but, with the indulgence of the House, he would state, in as condensed a manner as possible, two reasons that had influenced his mind, with the hope that it might induce every member of Congress to examine well the subject. In Maryland, said he, the State which I have the honor in part to represent, it has been found impracticable to extend to this unhappy part of our community, equal rights, as criminals, in the blessings even of penitentiary confinement. At first we did, until it was found that, in a few more years, a building

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*Appointments of Chargés des Affaires.*

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covering ten or twelve acres would not, perhaps, contain them. Banishment, therefore, has been substituted, and, although furnished with a copy of the record, they have no security for future liberty: on the contrary, they are purchased and carried to a distance; and it is verily believed that they are no sooner beyond the confines of the State, than they are robbed of that evidence, and carried into slavery for life. Regretted, as this must be, by all men of feeling, there is no remedy, it would seem, left; so that, in truth, whilst we are endeavoring to prevent the slave trade being any longer carried on by American citizens abroad, we are, in fact, carrying it on at home. Another reason is, sir, that now, satisfied of their degraded situation, a large number of the free blacks of Maryland have memorialized the citizens of Baltimore on the subject, making a strong appeal to their best feelings of charity and justice; inviting assistance sufficient only to waft them to the land of their forefathers—to the young colony at Liberia, where they expect to be able, as humble instruments in the hands of the Great I AM, to cause the wilderness to rejoice, and the heathen become the worshippers of the living God. They have reminded us of our ancestors, when forced by persecution to emigrate to this country—then a savage wilderness; now the Paradise of the world. And shall we not endeavor to do something to meet this call; thereby aiding in the very object, perhaps, which was intended to be produced, when our forefathers were persuaded to bring them here? For I never can consent, sir, to view it in any other light, believing, as I do, that the right of property of this sort of purchase with our money, has been recognized under every dispensation from God to man. It is the justice and humanity of the act, sir, that influences my conduct, and not a belief that there is any thing like a mine that may be blown up with a match—

Mr. W. was here interrupted by Mr. WEBSTER, who made a point of order: inquiring if it was in order to discuss a resolution, when the person who offered it himself expressed his intention to move that it lie on the table—a motion to lay any proposition upon the table not being debatable.

After some explanations by the Chair,

Mr. WEBSTER demanded that the previous question of *consideration* be taken.

The question was accordingly taken, "Will the House now consider the resolution?" And it was decided in the negative by a large majority.

So, for the present, the subject passed off.

TUESDAY, JANUARY 9.

*Appointments of Chargés des Affaires.*

The following resolution, moved by Mr. BLAIR yesterday and laid upon the table, was called up and read:

"Resolved, That the President of the United

States be requested to communicate to this House whether any, and if any, what number of *Chargés des Affaires* have been appointed since the 1st day of January, 1826, without the advice and consent of the Senate; and whether, in any case, such appointment has been made after notice had been given of the intention of a Minister abroad to return, and after his successor had been appointed; also, by what authority, and what length of time did said temporary appointment continue, what the duties to be discharged and what the compensation paid."

Mr. BRENT having inquired of the gentleman from Tennessee what was his precise object in moving this call—

Mr. BLAIR stated the grounds on which he had brought this motion; but the position of the reporter prevented his hearing him as distinctly as he could wish. Mr. B. was understood to say, that he had been informed, that, in one case at least, our Ministers abroad had appointed *Chargés des Affaires* to succeed them, who had received not only the salary annexed to that office, but also the outfit. He had looked in vain into the constitution and the laws for any authority in any foreign Minister, to make such appointment; and, if the fact was as he supposed, the public money had been paid to a person not authorized to receive it. As the Representative of a portion of this Union, he said he felt it to be his duty to raise his voice against such appointments, and against such expenditure of the public money. He wished, therefore, to have the facts authentically before him.

Mr. FORSYTH (Chairman of the Committee on Foreign Relations) said, it had been the constant practice of the Government, for many years, to have persons charged with their affairs with foreign nations, when the Minister of the United States either died at his post, or was temporarily absent. The persons charged with our affairs in such cases, were sometimes designated beforehand by the Government, anticipating the necessity of having them, or left by the Minister when the Government had no opportunity of giving its directions. A moment's reflection would satisfy the gentleman from Tennessee that the public interests required these trusts to be confided. The person charged temporarily with our affairs abroad, generally the Secretary of Legation, was usually allowed compensation for these services, in addition to his pay as Secretary of Legation—paid, Mr. F. presumed, out of the contingent fund of foreign intercourse. Mr. F. knew nothing of the facts to which the gentleman from Tennessee alluded, and certainly was not opposed to the inquiry he proposed. If there had been any thing wrong, it ought to be known, and the error corrected or exposed.

Mr. EVERETT said he should not oppose the call proposed by the resolution. On the contrary, the amendment which he should suggest to the resolution would go to make it more comprehensive, by striking out the limitation which it proposed as to the time of the inquiry.

He moved then to strike out the first day of January, 1826, and insert in lieu thereof the fourth day of March, 1789, so that the whole practice of the Government should be brought to the view of this House, and an opportunity given to members to make up their opinions understandingly.

Mr. WEBSTER said, the idea which some seemed to entertain, that diplomatic appointments are regulated by statute, was entirely erroneous. He thought that matter had been fully understood in this House, whatever errors of opinion on the subject might exist out of it. The power of appointing foreign Ministers was given by the constitution to the Executive—to the President, by and with the advice and consent of the Senate. The office exists by the laws of nations: the constitution prescribes the mode of appointing to it. The practice, Mr. W. said, had uniformly been, as the gentleman from Georgia had stated it. On the death of a Minister, the Secretary of Legation attached to the mission, becomes *ipso facto* the *Chargé des Affaires*. Mr. W. did not know that any great inconvenience resulted from the exercise of this power by our Ministers, when about to leave their stations; and still less in the case of a Secretary of Legation becoming *Chargé des Affaires* by the death of a Minister—that being an opportunity for serving their friends, which he imagined our Ministers abroad do not very much covet. Mr. W. thought the answer to the inquiry would be too voluminous, by its embracing an account of what duties these persons have discharged: and he suggested to the gentleman the propriety of striking out that part of the resolution; in which shape he should have no objection to it.

Mr. BUCHANAN said, since the gentleman from Tennessee had consented to accept the modification proposed by the gentleman from Massachusetts, (Mr. EVERETT,) he cared very little whether the resolution passed or not. It had become so extensive, that the object of it would be defeated. Mr. B. said he had understood the gentleman from Tennessee to make a distinct charge—if he did not, Mr. B. wished him to say so—that not only had a Minister of the United States abroad appointed a *Chargé des Affaires* on his leaving the station, (which appointment Mr. B. admitted was necessary and proper,) but that that *Chargé*, besides receiving the salary attached to that office, during the time he held it, had received an outfit. He knew not whether he was correct in this impression; but, if he was wrong, he hoped the gentleman would correct him. But, if the gentleman had received such information as this, and the information was true, no practice whatever could make it a correct proceeding. Previous practice might justify the appointment of a *Chargé des Affaires*, and the allowance of a salary to him; but it could never justify an expenditure from the contingent fund for allowing him an outfit, in addition to the salary. This distinct fact had been proposed to be inquired into; but, by the

amendment moved by the gentleman from Massachusetts, and accepted by the gentleman from Tennessee, that single point would be smothered under a mass of documents, which, if received within any reasonable time, would be entirely useless. Mr. B. added another remark: If the salary of our Ministers abroad was so low as to make it necessary for them to return to the country, annually, to receive an outfit to enable them to appear in a manner becoming our Representatives at foreign Governments, that salary ought to be increased. If it was not so, the practice of changing our Ministers abroad every year, could not be justified. It was a practice which must be essentially injurious to the interests of the country: for, if a negotiation was opened abroad, the Minister often returned before it was completed, leaving the matter unsettled, greatly to the detriment of our interest. Mr. B. concluded by saying, that he had no particular objection to the resolution: but he suggested to the gentleman from Tennessee, whether, clogged as it now was, he had not better abandon the resolution altogether, and on another day bring in a new resolution, confined to the object which he had specially in view.

Mr. WEBSTER said, notwithstanding the solemn denial of the gentleman from Georgia, it is as true as it was before he rose, that there is no statute or law of Congress prescribing what number of public Ministers or other diplomatic agents, should be appointed, or to what courts, or on what occasions they should be sent. He (Mr. W.) had said, and now repeated, that a Minister was a national functionary, known to the law of nations; the office had its origin, and derived its character from that law. The constitution recognized the office, as existing in the intercourse of nations, and vested the appointment of the officer in the President and Senate. It belonged to the Executive to decide on what occasions Public Ministers should be appointed, and to what courts, and to decide on their number. He did not say now, whether all this might, or might not, be regulated by law. He spoke only to the fact. It was not so regulated nor ever had been. The only law on the subject was that which limited the power of the President as to the amount of salary allowed to these officers. Here Congress had set bounds. In all other respects the subject rested in Executive discretion. He was at issue with the gentleman from Georgia on a plain matter of fact, an inquiry as to what the statute contained. He had said, and he repeated, that there was no other statute provision except that which limited the compensation. If there were any other, the gentleman from Georgia could easily turn to it; and he particularly invited him to point it out. If he should not do so, his solemn denial of what he had said, that was, that no particular mission or ministerial appointment, was made in pursuance of any statute, would still not shake the truth of that proposition.

Mr. POWELL said, that, whenever there was

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a suggestion of abuse of power by the Executive, he thought it became the duty of this House to sustain any inquiry into such abuse, which was proposed. If the Executive has abused his power it ought to be known, and if proved, to undergo the reprobation of this House. If, however, he has strictly discharged his duty, it was due to him that the House should institute the inquiry, to relieve him from unjust imputation. He hoped, therefore, that the resolution would be allowed to pass in the shape which it had assumed.

Mr. WEBSTER said, that he wished it to be understood, that he was perfectly willing to vote for the resolution as now amended: his only objection, was its violation, in his opinion, of the spirit of the rules of the House.

The question was then taken on agreeing to the resolution, as amended, as decided in the affirmative.

WEDNESDAY, January 10.

*Land Claims in Ohio.*

The House went into Committee of the Whole, Mr. HOFFMAN in the chair, on the bill "providing for the relinquishment of certain claims to lands sold by the United States in the State of Ohio."

[This bill, which refers to the gore of land lying between what are known as Ludlow's and Roberts' lines, had twice passed the House at former sessions, but was lost in the Senate for want of time to act upon it. As the bill is one of local interest merely, a succinct statement of the grounds of controversy, with a few of the leading arguments on each side only, are given.]

When Virginia ceded to the United States the great body of her Western lands, among other conditions of the cession was one for satisfying out of those lands the claims of a certain body of her militia under General Clarke; and if certain tracts south of the Ohio River should prove insufficient for this object, then an additional tract was set apart on the north side of that river. The case contemplated, occurred. The lands south of the Ohio were insufficient, and the tract on the north of it was to be appropriated. This tract had the river Ohio on the south, the Scioto on the east, the Little Miami on the west, and on the north a line running from the source of one of these rivers to the source of the other. The United States Surveyor's name was Ludlow; he traced the Little Miami to its source; and, as the Scioto lay far east, he naturally concluded that its source would be east of the source of the Miami. He accordingly commenced at the source of the Miami, and ran a random line in such a direction as he supposed would bring him out near the head waters of the Scioto; but when this line had been run as far as to meet the Indian boundary, the Indians met the party, and prevented their proceeding any farther. So that Ludlow's line never reached the Scioto at all. It being, however, the only authority, was taken for the

true line, and the United States went on to sell the public lands west of it up to this line. On farther examination, however, it was found that the Scioto River wound round about, towards the west, in such a manner as to pass entirely the head waters of the Little Miami, and to have its source some distance west of the source of that river. A new line was now run from one source to the other; and the divergence of these two lines, (the first false and supposititious, the latter correct and the true line,) left a gore of land which the United States had partly sold to settlers, but which was now found to be within the reserve for Virginia Military Warrants. Warrants were accordingly laid upon various parts of it, some of which had been occupied and improved by persons who had title from the United States. A suit was instituted, to try the question, and the United States Supreme Court having decided one of these in favor of the warrant holder, it is manifest that the Government must either satisfy the other warrant holders, or let them go on to eject the settlers, and then reimburse the latter. The bill proposed to pay the warrant holders the appraised value of their several lots as in a state of nature, and for this purpose, appropriated about 60,000 dollars.]

The bill was strenuously resisted by Mr. THOMPSON, of Ohio, and as warmly defended by Mr. VINTON, of the same State. Messrs. COCKE, WEBSTER, VANCE, LIVINGSTON, MERCER, and WRIGHT, also engaged incidentally in the debate.

Mr. THOMPSON's argument was in substance the following:—That the bill was based on a decision of the Supreme Court of the United States upon an *agreed case*, in which all the facts were not before it, and in which one main fact, viz: the validity of Roberts' line, was assumed. He strongly insinuated that there had been intrigue and management in procuring the agreed case. By an act of Congress, in 1807, no Virginia warrant was to be valid, if located on lands of the United States already surveyed and entered, but the location of the warrant of General McArthur (the party mainly to receive the benefits of the bill) was not made till 1810, and was, therefore, void by that law. The Supreme Court, however, assumed that it had been made before 1807. A part of the lands to be affected by the bill are in litigation at this time, and the only decision which has been had, is against the warrant holder. A new trial was awarded to General McArthur, however, through the indulgence of the Court. He affirmed that neither of the two lines is accurate. It was difficult to make it so, as both rivers take their rise in a marshy country, full of ponds, where two streams often arise from the same pond, and run in different directions. But, in the agreed case, Roberts' line was taken as the true line, and the court decided on this supposition. The Government of the United States, through courtesy, desired the co-operation of Virginia, to satisfy all, of her disposition in good faith to fulfil the objects of the grant. Now, Virginia



never gave any act of assent to Roberts' line. It is true, the agreed case was made under orders of the Secretary of the Treasury, but that officer had no authority to agree away any of the United States lands: and Congress is now asked, in effect, to buy up a set of claims which are litigated, and have once been decided against. Those suits ought first to be settled on a full investigation of all the evidence.

Mr. VINNOR's reply was, in substance, as follows:—That a precisely similar bill had already twice passed the House, after a full argument. There had been three different reports of the Committee on Public Lands, in relation to this case, all which agreed, and in which the committees were unanimous. The objections had all been twice discussed, and overruled. But his colleague had exhibited some feeling, and had made insinuations which rendered a statement of facts necessary. Mr. V. here gave a detailed history of the whole case, with the date of the several public acts in relation to it. He repelled the insinuations of Mr. T. in relation to the management used by General McArthur, in the suit referred to. In that case the United States had ordered the District Attorney to make the United States a party in the suit. It had taken the defence into its own hands, and the suit was decided against the Government, and in favor of the plaintiff warrant holder.

The agreement in the case about Roberts' line, was the Government's own, and ought of course to bind the Government. Virginia did accede to the correctness of Roberts' line, and founded a claim upon its survey. The only question on which a doubt could rest, was, whether the act of 1807 did, or did not, forbid the location of Virginia warrants on lands sold by the United States; and the Supreme Court, by an argument which he deemed irrefragable, had decided that it was only intended to quiet claims as existing between different Virginia warrant holders. That decision, at all events, puts the question at rest.

As for the suit in the Inferior Court of Ohio, if it proved any thing, it proved that that court deemed McArthur's claim to be valid. In the first verdict, it was decided against him, but because the court forbade his patent to be brought before the jury, and instructed the jury to bring the verdict, the very next day, on rightly understanding the case, they granted a new trial, on the ground that the jury had been mis-directed by the court. But let that decision be ever so good, the Supreme Court of the nation has decided otherwise, and its decision must stand.

If the bill is refused, the warrant holders will proceed and eject the United States settlers; and they, holding title from the United States, must be remunerated, not only for the naked value of the land, as in a state of nature, but for their valuable improvements also; and, instead of sixty thousand dollars, the Government must pay, in the end, several hundred thousand.

Mr. WEBSTER summed up the case in one question, which he addressed to the Committee on the Public Lands, viz: whether the title of these Virginia claimants has been fairly tried and fairly settled? If it had, the bill was certainly expedient and necessary; nor could Government be too early in quieting the fears of those who had purchased from it, and now found them invalid.

Mr. LIVINGSTON doubted if the validity of Roberts' line had ever been established by judicial decision. In the case submitted to the Supreme Court, its validity was not brought into discussion; and though the decision of the court might operate as an estopper in that particular suit, it extended no farther. He did not know if the accuracy of the line had ever been questioned. It appeared from the statements of gentlemen, that the United States Commissioners, and those of Virginia, agreed as to the sources of the rivers—and this line run between them. If that is the true line, there could be no question as to the expediency of the bill. He wished, however, to know what assurance the Government had that this appraisalment would be acquiesced in, and the appropriation accepted by the claimants? Had there been any negotiation with them on the subject? If not, how was the appraisalment of the United States Commissioners obligatory on them, and after receiving the sum in the bill, what hindered their still proceeding against the United States settlers?

Mr. MERCER made some observations, which were imperfectly heard. Their general tenor was, that Virginia had never questioned Roberts' line. McArthur stepped into the shoes of Virginia, (having purchased her warrants,) and if his claim was good, it was obviously just to satisfy it, and save the settlers from disturbance.

Mr. WRIGHT, of Ohio, said he had been engaged during the discussion, in the performance of duties assigned him by the House in another part of the building, and had not heard what had been advanced on either side. On coming into the House a moment since, he had been informed that his colleague (Mr. THOMPSON) had imputed to him improper motives or conduct in his connection with the agreed facts in the case of the Lessee of Doddridge *vs.* Thompson & Wright, decided by the Supreme Court. I will take it kindly of my colleague, (Mr. W. said,) if he will now repeat what he did say in relation to that agreed case, and my agency in it.

Mr. THOMPSON, of Ohio, rose, and said he had not intended to cast any imputation upon his colleague, (Mr. WRIGHT,) in relation to that case. All he meant to say, was, that the committee had no evidence that the agreed case was made under the direction of the Government, and if there was such evidence, that neither the Government nor the Attorney could agree away the facts in controversy, nor make an agreement in that case which could be considered as affecting any other case, or

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*Revolutionary Pensioners.*

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any thing beyond the land claimed in that suit.

Mr. WRIGHT resumed. When the ejectment suit was brought by Doddridge against Thompson, I was the District Attorney of the United States in Ohio. I did not suppose it pertained to my ordinary official duties to appear to, or defend the suit. Thompson did not appear. I was instructed by the then Commissioner of the General Land Office, Mr. Meigs, to appear to the suit on account of the interest of the United States in the question, and so conduct it as to bring it for decision to the Supreme Court of the United States. Under their instructions, and the advice of the Circuit Judge, my name was inserted in the case as defendant, representing the interest of the United States. The maps, papers, and documents, which, on my part, were carried into the agreed case, were furnished from the Land Office. No trial was had in Ohio. Judgment was taken there for the defendants, *pro forma*, and the case removed by the plaintiff to the Supreme Court here. I had no interest in the case, nor other agency than under the direction of the Land Office.

Not having heard the discussion to-day, I am at a loss to understand how it could bear on the question to inquire, whether the agreement extended beyond the case in which it was made? But if, as my colleague seems to suppose, it has been urged, that the *facts agreed* in the case referred to, embraced *all* the lands lying between Ludlow's and Roberts' lines, he is certainly correct in supposing the agreement did not extend, and could not be extended so far. In the nature of things, an agreed state of facts, in a cause pending, would be limited and confined to that case, and could not be relied on to conclude any one in another case. But if the argument was, as I should suppose it probable, that, if the legal principles settled by the court in the case of Doddridge *vs.* Thompson and Wright, were the same as arose in other cases, the decision settling those principles would be applicable to those other cases when they should arise, and be held conclusive upon the Government and individuals, then the argument is certainly correct.

I have no design to engage in the discussion of the question before the committee, and only rose to make the statement and explanation I have.

Mr. COCKE produced a report made to the Senate on this same subject, which he wished read at the Clerk's table.

Mr. WEBSTER opposed this measure as a violation of order. The gentleman might read it, but the House could not, as such, order the reading of a report, any more than of a speech, made in a co-ordinate branch of the Legislature.

Mr. VANCE said that that document was not the report of the Land Committee, but was drawn up by one of its members, who wished to have it adopted as such, but that the

committee being equally divided, one of its members, (Mr. VAN DYKE,) being indisposed and unable to attend, who had formerly been in favor of this bill, the document was printed at the request of the member who drew it up, and not by authority of the committee.

Mr. VANCE, (in whose district the land in question lies,) wishing to give a further statement of the facts of the case, with which he said he was fully acquainted, moved that the committee rise.

It rose accordingly, and having reported progress, had leave to sit again.

THURSDAY, January 11.

*Free Blacks in the District of Columbia.*

Mr. POWELL, from the Committee for the District of Columbia, which was directed to inquire whether there be in force in said District, any law which authorizes the imprisonment of any free man of color, and his sale as an unclaimed slave, for jail fees and other charges, made a report upon the subject, in which the case of Gilbert Houghton, the free man of color from New York, is stated.

Mr. POWELL accompanied his report by the following bill:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any person shall be apprehended or committed in the City of Washington, or Georgetown, or in the county of Washington, as a runaway, and it should appear, upon examination, that the said person is entitled to his or her freedom, the jail fees and other legal expenses of such apprehension or commitment shall be chargeable upon the corporations of the said towns, or county aforesaid, as the case may be, and be collected and paid over in the same manner as other public charges.

"Sec. 2. And be it further enacted, That so much of the second section of the act of the State of Maryland, passed in the year one thousand seven hundred and fifteen, entitled 'An act relating to servants and slaves,' and now in force in the county of Washington, in the District of Columbia, as authorizes the commitment and sale of free persons of color, for prison fees and other charges of apprehension, upon suspicion of their being runaways, shall be, and the same is, hereby, repealed."

This bill was made the order of the day for to-morrow.

FRIDAY, January 12.

*Revolutionary Pensioners.*

Mr. WORTHINGTON submitted for consideration the following resolution:

*Resolved*, That the Committee on Military Pensions be instructed to inquire into the expediency of allowing to the non-commissioned officers, musicians, and privates, who are now on the pension roll, in consequence of wounds received in the Revolutionary War, not amounting to a total disability, the same amount of pension as is allowed to persons of the aforesaid ranks laboring under disability of the highest degree.

Mr. WORTHINGTON said, that, with the permission of the House, he would briefly state the reasons which had induced him to submit the resolution under consideration.

It will be seen by its phraseology, said he, that it is confined exclusively to the non-commissioned officers, musicians, and privates, who were disabled by wounds in the severe and arduous conflict of the Revolution, and to such of them only as are now on the pension roll. The pensions allowed to the commissioned officers may be sufficient for their decent support; but this is not the case with the description of persons embraced by the resolution. By the act of 1816, non-commissioned officers, musicians, and privates, laboring under the highest degree of disability, are allowed eight dollars a month, and for disabilities of a less degree than the highest, a sum proportionably less. Under this provision, while some receive eight dollars per month, others receive less, according to the degree of disability. Now, the object of the resolution is to put them all on an equality, by allowing them eight dollars a month. At the time of the passage of the act of 1816, this scale of allowance might have been proper, but after the lapse of ten years, when old age and wounds combined, amount to a total disability, the reasons for graduating their pensions no longer exist. Under the act of 1816, the War Department does not consider old age a disability; and, although a soldier may be unable to procure subsistence, by manual labor, in consequence of wounds and old age combined, yet he is allowed only according to the degree of disability under which he originally labored in consequence of wounds alone. But, sir, independent of these calculations, I am impelled by other considerations to mete to these war-worn soldiers, these "remnants of an age gone by," the most liberal allowance. If any class of citizens deserve the munificence of the Government more than another, it is the one we are now considering. It was not for mercenary views, nor in pursuit of a criminal ambition, they arrayed themselves under the military standard. No, sir; it was under the sacred banner of liberty and independence they bared their bosoms to the fury of the storm. No, sir; it was in the noble cause of liberty against slavery, of freemen against tyrants, that these men of the old Roman stamp so profusely poured out their blood, and fearlessly encountered sufferings and dangers almost incredible to the generation of the present day. These men, who entered the "imminent deadly breach," who endured misery in all its shapes, are now languishing in penury, and their subsistence is made to depend upon an arithmetical calculation as to the degree of disability under which they originally labored. I am as much opposed, said Mr. W., to the extension of the pension system, as any member of this House; but the resolution contemplates an increase only of pension to the living and maimed monuments of their country's emancipation; to men

to whom you and I, Mr. Speaker, and all of us, are so deeply indebted for our civil, religious, and political liberty—in a word, for all our happiness: for, without these blessings, the world is a great "waste, where nought but fiends and tempests howl." Sir, it is to these men, laboring under wounds, scarcely yet cicatrized, and bending to the earth under a superincumbent weight of infirmity and years, that I would open the national purse, and gladden thereby their last days, by this new evidence of our gratitude.

My resolution is emphatically in favor of the common soldier, and to him I wish the attention of the committee to be directed. I hope, with this view, the resolution will be adopted.

Mr. McCOR hoped that, before the House took any step to increase either the number or the amount of pensions, that they would have the whole case before them. Much of the graduated pension to which the resolution referred, was drawn by persons in wealthy circumstances, who did not need this addition to their income—and as for those poorer, the House may be sure that they would relinquish the graduated pension, and accept the eight dollars per month, if they could show that they came within the provision of the law which granted it. This entire subject, Mr. McC. said, had been thoroughly examined in 1820, when the law amendatory of the first pension law was passed, and was then well understood.

Mr. WORTHINGTON replied, that he had offered the resolution, because those who now received the graduated pension, had represented it as proper, and had applied to have the law thus altered.

Mr. LITTLE observed, that the resolution did not confine itself to those alone who were included within the act of 1816, but extended to many others. It included those who had not been on the Continental establishment, as well as those who had. He thought a distinction between these classes ought not to be made, and he should vote for the resolution.

The resolution was then agreed to by the House.

#### *Preservation of Live-Oak Timber.*

Mr. WHITE submitted the following resolution:

*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing, by law, for the more effectual preservation of the live-oak timber on the public lands; and further, to inquire into the expediency of forming plantations for the rearing of live-oak for the future supply of that timber for the Navy of the United States.

Mr. WHITE said he was induced to invite the attention of Congress to this subject, from a conviction that it was one of much more importance than was generally imagined. He was sensible that there were but two ways by which the Government of the United States could protect itself against the destruction of

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all that valuable timber, and the consequent embarrassments it would produce to the nation. The one was by a speedy adjustment of all the private claims derived from foreign Governments in Louisiana and Florida, and some more effectual provisions for the preservation of this timber on the public lands, after the private is separated from the public lands; and the other is by forming plantations for the supply of it for future emergencies when that on the public domain shall be destroyed. The live-oak, said Mr. W., is believed only to be found, at least in any quantity, along the sea-coast of the United States, south of latitude 34. It is the most valuable wood used in ship building, being nearly equal to the teak in durability and strength, and much superior in buoyancy. For timbers of ships of war, it is universally admitted to be the most valuable. The British Government is so sensible of this, that I am credibly informed, that they have actually at this moment agents engaged in the Southern States and in Florida, in purchasing and shipping live oak to England, cut to moulds in the shape of knees, heart-hooks, stern-posts, &c. Acts of Congress have been repeatedly passed, for the preservation of this valuable wood, but there can be no doubt the quantity is rapidly diminishing, even in Florida, which appears to be its favorite region. A wise policy, that does not confine its views to the present moment, but looks to the future, requires of us not only an attention to the immediate and passing interests of the day, but also to lay the foundations of future benefits of our country. An English gentleman, Evelyn, is now considered one of the greatest benefactors of the English nation, for having, a century ago, suggested and executed an extensive plantation of the English Navy oak, and, if rightly informed, these plantations now form a part of the permanent policy of that great nation.

The growth of live-oak is extremely rapid; being an evergreen, it is scarcely ever interrupted; at twenty-five years of age it becomes sufficiently large for most purposes of ship building. It grows everywhere in our light sandy soil, and all that would be necessary, after transplanting, would be to keep the fires out of the tract selected for the purpose. That this is no visionary idea, I will mention that the suggestion was thrown out by one of the most practical and experienced officers of our Navy, the President of the Navy Board, on his visit to Florida, and it will not be thought trivial, when it is known that the late Emperor of Russia ordered his agent to send him two barrels of the live-oak acorns, for the purpose of attempting plantations in the southern part of his dominions. One hundred acres would contain two thousand trees, which might be planted near the Navy Yard at Pensacola. The land reserved at that place for the Navy Yard abounds with young trees, and the ridge in the rear of the yard seems to be peculiarly adapted to such plantations. As the country is now

situated, with unadjusted titles covering large bodies of land, some good, and others vicious, those who wish to cut the timber can do so, and plead a pretended title, which shields them from punishment because it is filed for decision either before the commissioners, or is referred by them to Congress, where experience, melancholy experience proves, they are laid up for years, honest and dishonest claims all rejected, not by any decision, but by delay, and a failure to examine them. As the subject has been introduced to the consideration of Congress by the President, and has been referred to committees in both Houses, we may confidently hope that the public faith of the nation will be redeemed by the confirmation of valid claims, and that the public domain will be ascertained by the approval of the good, and the prompt rejection of vicious and fraudulent claims, and when that "consummation, most devoutly to be wished," has been accomplished, some decisive and energetic measures can be proposed and executed for the preservation of the public timber; and in the mean time, an experiment can be made without expense on the reserves for the Navy Yard at Pensacola, for the plantation and cultivation of the live-oak.

Mr. INGHAM said that he considered the House as indebted to the gentleman from Florida, for bringing the subject to its notice; but he was satisfied that a matter of so much importance could not have been neglected by the Executive, and that some measures had, doubtless, been taken in respect to it. He, therefore, moved to amend the resolution, as follows:

"And, also, inform this House whether any, and if any, what, measures have been taken for the preservation of the same."

Mr. COOKE agreed in the importance of preserving this valuable timber; but believed that there was already a law upon the subject; and it would not be very becoming in the House to inquire of any Department what was the law of the land on this, or any other subject. All private individuals were supposed, and bound, to know the law—much more the members of the Legislature itself.

Mr. INGHAM said, in reply, that his amendment did not propose to inquire whether any law existed, but what measures had been taken, by any authority whatever, on this subject.

Mr. WHITE explained. The law does exist; but it requires that the timber districts to be guarded must be made known by proclamation, and the lands he referred to had not been proclaimed. They were not recognized as public lands, because there were claimants who professed to hold title to them; and though it was probable that these titles would turn out to be vicious, yet, in the meanwhile, these claims prevented the lands from being treated as public, and from three to four hundred persons were upon them, constantly, engaged in cutting the timber. When questioned, or called to an account, they shielded themselves under their claims.

The resolution, as amended, was then agreed to.

MONDAY, January 15.

*Polar Expedition.*

Mr. WORTHINGTON said, that he was requested to present the memorial of a number of respectable citizens, inhabiting the western part of Maryland. He would state, in a few words, the objects of the memorialists.

At this enlightened period, when Great Britain, France, and Russia, were pushing their nautical and inland discoveries in every direction, this nation, notwithstanding its advantageous position on the globe, its immense resources, and the skill of its seamen, looked on with folded arms, and without in the least participating in their spirited enterprises. But the memorialists invite particularly, the attention of Congress to a thorough exploration of our northwest coast, and to an expedition to be fitted out to extend our knowledge of the frozen region of the Antarctic Circle. The first of these propositions, Mr. W. presumed, was predicated on the Message of the President at the late session of Congress; and the second, on the recent theories of Captain Symmes and others on concentric spheres, and the concavity of the earth. The exploration of the northwest coast, the memorialists considered, said Mr. W., an important object. Whilst other nations are acquiring fame by their discoveries, and perpetuating the names of their great men, by calling the discovered countries after them, we could boast of nothing in this field, but were indebted almost exclusively, for a knowledge of our own continent, to the genius and enterprise of foreigners. On the second proposition, said Mr. W., the memorialists, no doubt, conceived the recent theory of an aperture at the poles, and the concavity of the earth, not more difficult of belief to the present age, and would meet with less resistance, than the systems of Copernicus and others encountered, from the bigotry and persecution of the clergy, and the influence of Aristotle in the schools.

A polar basin is becoming familiar to the learned; and the same degree of heat at the poles, as at the equator, when the sun is at the solstitial points, is an idea long since entertained. It is probable these facts have given birth to the recent theories I have mentioned; and, as navigators have sailed as far north as eighty-two degrees, and some say, eighty-four, the memorialists wish the expedition fitted out by the Government, after exploring our own coast, to proceed to the south, as no navigator has been able to penetrate in that direction, farther than, he believed, for he spoke from recollection, seventy-two degrees. On looking over the memorial, he said, he perceived the names of gentlemen of great respectability, and of considerable scientific attainments, and he, therefore, conceived it due to them, to offer the few observations he had submitted.

The petition was received and committed.

*Indian Land Titles in Arkansas.*

Mr. CONWAY offered the following resolution:

*Resolved,* That the Committee on Indian Affairs be instructed to inquire into the expediency of extinguishing the Choctaw title to lands, in the Territory of Arkansas.

Mr. HAILE said, that he did not know that he should be willing to oppose a resolution of this character; but a bill was about to be called up by the Committee on Indian Affairs, which provided for the gradual removal of the Indians west of the Mississippi, with the effect of which, he thought the resolution calculated to interfere. If the Indians, whom it is the purpose of Government to remove from the eastern side of the river, shall see that any part of the Territory proposed as their abode on the west side of it, are already about to be sold by the United States, the effect will be to fix their determination not to remove, but to remain in their present settlements. The resolution, he thought, was calculated to occasion to the Committee on Indian Affairs trouble that was unnecessary. No doubt, it was interesting to the people of Arkansas, that the Indian title to lands on the west of the river should be extinguished; but it was the interest and the wish of the Government that they should be removed thither—it ought, therefore, to do nothing, and to sanction nothing, which might have a tendency to fix the Indians on the east side of the river, where they believed their possessions were secure, by rendering insecure the prospect of possession to the west. He moved, therefore, to lay the resolution on the table, but withdrew the motion at the request of

Mr. CONWAY, who said he had no intention or wish to produce the smallest embarrassment. He knew, and the gentleman from Mississippi well knew, that there were many white persons who had settled on the lands in question, before they were set apart—and if the Indian title to these lands could be extinguished, the land can then be sold without impediment. The bill reported by the Committee on Indian Affairs covered the entire subject, and he was desirous that, when that bill would come up for discussion in Committee of the Whole, the committee might have the whole subject in its possession; he wished this as an advantage to the cause of the bill, and not as an impediment to its passage.

Mr. HAILE insisted on the ground he had before taken, and renewed his motion to lay the resolution on the table.

The motion was negatived, and then the resolution was agreed to by the House.

WEDNESDAY, January 17.

*Tariff of Duties on Woollen Goods.*

On motion of Mr. MALLARY, the House then resolved itself into a Committee of the Whole

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on the state of the Union, Mr. BUCHANAN in the chair, and took up the bill "for the alteration of the acts imposing duties on imports."

Mr. MALLARY said he would present a view of the subject, which had been pressed upon the consideration of Congress by memorials from different parts of the United States. It involved the interests of thousands, and to a vast amount. These memorialists were from the agricultural as well as from the manufacturing interests, representing their condition, and asking most earnestly the interposition of Government in their favor. Without further preface, he would advance to the subject. In the first place, he would endeavor to ascertain the interest depending upon the present question. He would not be minute in details, yet would explain the general calculations which have led to the result to which he had arrived. He had no doubt, from the information given to the committee, that the amount of capital invested in the woollen manufacture, could not be less than forty millions of dollars. He had taken pains to obtain, as far as practicable, certain facts, in preference to a dependence on general opinions or estimates. When particular facts were obtained, they became data upon which a result might be produced with sufficient certainty. It appeared, from actual examination, that, east of the Connecticut River, in Massachusetts, excepting one or two establishments west, the capital actually invested, was upwards of five millions and a half of dollars. Berkshire is said to have a million. It was probable from this, that the whole in manufactures, was at least eight millions. From all information that could be obtained from all other quarters of the Union, the capital thus stated was one-fifth of all the remainder. Forty millions might be considered the amount in the United States. Gentlemen can judge for themselves. We can thus arrive at sufficient certainty for all practical purposes. This capital of eight millions employs twelve thousand persons, making six thousand at least now engaged in the woollen trade of the United States. This is the manufacturing interest.

Next he would present, in the same manner, the value of the agricultural interest. In the first place, he would consider the flocks of the United States. Many had estimated the number of sheep at fifteen millions. In 1825, the number in the State of New York was ascertained to be 3,496,000. Now he considered that it might be four millions. Considering the great numbers in New England, New Jersey, Pennsylvania, and Ohio, and West Virginia, he might take the number in New York as one-fourth; this would give sixteen millions in the United States. Gentlemen could form their own estimate. The number mentioned might be too high or too low. It was sufficient to answer the great object in view. He considered that ten millions were added from the demands of the woollen manufactures by the manufacturing institutions of the country. In estimating

the value, it was to be considered that the manufacturer had been the cause of adding to the value of the flocks of the country. It has been a great object among the rulers of the most enlightened nations of Europe, to secure to themselves the best blood of that valuable race of animals. It was worthy of the attention of the most distinguished and intelligent citizens of this nation. We know that immense pains have been taken to improve it here. The best of the Saxony and Spanish breeds had been introduced, at great expense, by the most patriotic individuals of this country. Mr. M. then estimated the ten millions at two dollars each, and considered it a low estimate, if any encouragement existed for the raw material. This would make the value of flocks in the United States dependent upon the manufacturer to the amount of twenty millions of dollars.

By exact returns from establishments having 5,688,000 dollars capital, it appears they consume 5,985,000 lbs. of wool. 40,000,000 dollars would require above 40,000,000 lbs. of the raw material. But suppose it only 30,000,000 lbs. this would, at 35 cents per lb., be above 10,000,000 dollars. Next, Mr. M. estimated the landed interest devoted to the use of flocks in the United States, dependent on the manufacturer. He allowed four to the acre. This would require 2,500,000: at eight dollars per acre, this would be 20,000,000 dollars. He had taken pains to ascertain the value of land in different States, thus used. Taking New England, New York, Pennsylvania, and Ohio, he thought the value he had estimated not too high. Gentlemen could correct him if in error. The result was, that the agricultural interest had at least 40,000,000 dollars involved in the question of protecting the domestic manufacturing interest. The capital of both interests, then, amounted to 80,000,000 dollars.

Mr. M. said he would next advert to the advantages of wool-growing to this country. It gave a value to hills and mountains: remote sections of the nation, now removed from navigable rivers and good roads, would be rendered valuable. Nothing else could be produced that would pay transportation to market. No article could be produced so valuable as wool, in proportion to its weight. Those portions of New England, New York, Pennsylvania, Ohio, and West Virginia, which are of little value for grain, would become profitable—valuable, could this great staple have a market. Some of the best flocks in the United States are in Western Virginia. It has already found its way to New York and Boston, and found a valuable market.

As it regards the other great employments of the nation, it does not interfere. All our markets are now filled to overflowing with agricultural products. So much of capital as has been stated, is added to the landed interest. So much for that great interest immediately dependent for its principal value on manufactures!

Allow me now, said Mr. MALLARY, to show.

how much other branches of agriculture are interested. He asked the candid attention of gentlemen from the Middle and Southern States—he would ask the farmers in the House, to notice the statements he was about to make—he thought it deserving of consideration, however gentlemen might differ as to the conclusion which he might draw. It is ascertained, as one fact, that, in one manufactory, where 260 persons are employed, above 800 barrels of flour were consumed in the year 1826. This was obtained from New York, and Petersburg, Va., and intermediate ports. Again: There were imported into Boston in 1826, 281,000 barrels; of this, 72,177 were exported, leaving 209,704 for consumption. Mr. M. said he had taken much pains to ascertain the quantity imported into other ports of New England. Gentlemen well informed, those concerned in the trade, had estimated that the quantity imported into Maine, New Hampshire, Rhode Island, Connecticut, could not be less than three times more than was imported into Boston. Providence afforded a vast market. A great amount ascended the Connecticut River, into the centre of Massachusetts. Mr. M. said he had estimated that twice as much was imported into all the remainder of New England as was into Boston. This would give 629,000 barrels for domestic use in that section of the Union. Gentlemen will decide whether this estimate is over-rated. The value at \$5 50 per barrel, amounts to 3,480,000 dollars. Mr. M. said he requested gentlemen to notice from whence this supply was derived. He then produced a statement, from whence it appeared that 119,202 barrels were received from Baltimore, 91,000 from Virginia. This he asked gentlemen to notice. The remainder was from New York, Philadelphia, and the rest of the coast. Deducting the average amount from Boston, would leave 71,000 barrels of Virginia flour for New England, now imported into the single port of Boston. If this is one-third, New England consumes of Virginia flour 213,000 barrels—worth over a million of dollars. These are facts well worthy of consideration by the farmers of Virginia. How was this amount of agricultural produce obtained? By what means was payment made? He said he would leave the answer to be made by every gentleman for himself.

Again: There was imported into Boston, in the month of December last, 80,000 bushels of corn from the Southern and Middle States. In proportion to the estimate for flour, the amount would be almost beyond relief. Gentlemen, from the facts stated, will make their own deductions. Now, said Mr. M., examine the exports of flour to Europe. They will be found not to exceed, in 1825, 56,675 barrels. New England consumes, as we have seen, 629,000. We exported, in 1825, to all parts of the world, 813,000, and in 1826, 863,000 barrels. Again: In 1825, we exported to the British West Indies, 114,000 bbls.; to Cuba, 109,000; and to Brazil, 184,000. These foreign exportations we con-

sidered as of wonderful importance. We send now and then a cargo of flour to Valparaiso and Lima. The arrival—the price—high or low, is reported through the nation, as if its fate was involved. But the steady, silent, valuable market of New England, attracts no public attention. Annihilate this great market, said Mr. M., and the immense quantity there consumed, to the quantity which would be left, let the effects which would certainly follow, be experienced by the farmer of Virginia and Maryland, it would seem that conviction must take place, that the New England market was of immense advantage. Destroy the manufacturing interest, and conviction of this would press on the farmer with irresistible force. The means of the North to purchase would at once cease, and the people would provide for themselves in a different way.

Allow me to make a remark as applicable to our own policy. We have, on one occasion, at least, been carried away by these doctrines of free trade. We have held out proffers of reciprocity in trade and navigation: Why? The world knows. We have attained that skill in navigation, that we can meet any nation on the ocean. We now very boldly offer reciprocity. This is brought too often to bear on other interests. Why do we offer reciprocity in navigation? Because we are confident that we can successfully meet any other nation. But suppose the navigation of other nations was crowding our ports—that our ships were useless in our harbors—should we then be so warm advocates of reciprocity in navigation? Why not, on the present emergency, allow British ships to bring from England here, pass on to the West Indies, return with cargoes, and then return to England again? It may be cheaper! My answer is ready. I would protect our navigation, because a foreign rival has attempted to arrest its prosperity. The interest and reputation of our country demands it. The same protection should be equally afforded to all the great interests of the nation. This is the same reason that protection should be given to the fabric you wear, as to the vessel that is used to bring to us the articles of use. Then, sir, said Mr. M., let us protect all the great interests of the country that promote our independence, our safety, our prosperity—navigation, commerce, manufactures, and agriculture.

In conformity to these views, Mr. M. said he would present a few remarks, as to the particular provisions of the bill. It was believed it would give additional security to the manufacturer, and be perfectly compatible with the best interests of the nation.

The first minimum in the bill is placed at forty cents the square yard. On narrow cloths, which cost thirty cents the running yard, a duty is now levied of  $7\frac{1}{2}$  cents. A square yard, at the same rate, 10 cents. At a minimum forty cents the square yard, this will be  $18\frac{3}{4}$  cents; the difference about  $3\frac{1}{4}$  on the square yard. It is thought this calculation is correct. Gentle-

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men will examine for themselves. Flannels, at twenty-five cents per running yard at present, pay a duty of  $8\frac{3}{4}$  cents. Square yard  $18\frac{3}{4}$  cents. Difference,  $2\frac{3}{4}$  cents. Whatever may be the extra cost, we may be well assured that the manufacturing establishments of the country are now ready, in the shortest period, to supply the market.

Narrow cloths, costing about \$1 75, will come under the operation of the minimum of \$2 50. It will operate as the price descends. The effect will be a heavy duty on the lowest. Not a greater duty, however, than was imposed on cottons, with reference to the average price of the fabric. On this point, Mr. M. said he was not precise. It embraced a fabric that could be at once produced. The raw material on hand; machinery idle; activity infused into that now in operation; would soon fill the market at the lowest price, if the manufacturer be sure that the foreigner would not inundate the market, under the influence of the "tactics" of the foreign trade. Feeling confident that such would be the result, he was decidedly and firmly of the opinion that the provision would be beneficial to the country.

The minimum of four dollars would reach another class equally entitled to protection, and could be produced and afforded at fair and reasonable rates. The duty would be applied as far as it reached, and it was thought it would make a proper average as far as regarded the fabric in general. As far as the bill went, it would tend to give stability to the manufacture, prevent, in a good degree, the frauds now practised, and, above all, give a solid protection. It was true, precision could not be attained, but no danger could be apprehended. As it regarded the additional and progressive duty on wool, Mr. M. observed that it might be considered as in violation of the maxim that a raw material ought not to be taxed by a manufacturing nation. England, it was true, had reduced the duty of sixpence sterling per pound, to one penny. But we must bear in mind, with that duty she imported wool to a great amount.

In 1821,	16,605,000 lbs. weight.
1822,	19,058,000 "
1823,	19,366,000 "
1824,	22,558,000 "

It is evident that England cannot produce the quantity, nor can she the quality of wool demanded by her manufacturers. It may also be remarked that she commands the ocean. She is secure of supply. The United States are differently placed. They can supply the raw material to any extent. The best wool can be grown. The safety of the manufacturer requires that the raw material should be produced at home. In case of war or hostile policy, her dependence on a foreign supply would at once be her ruin. To produce it at home, as was before remarked, is so much addition to the value of the farming interest, and no detriment in any other. The supply can be, will be, furnished. By adding to the duty, the farmer will

have confidence in the market, will fear no hostile attempts from abroad, and will rapidly add to his flocks.

As to the last section which provides for a duty on wool imported on the skin, Mr. M. said that such wool had been admitted free of charge. Such a permission was not intended by any laws. It had been done. Difference of opinion had existed on the subject; it seemed to be proper that a provision for imposing a duty should be made.

Mr. CAMBRELENG said it was not his purpose to reply to the gentleman from Vermont, (Mr. MALLARY,) but that he rose merely to move that the committee rise. When the proper time arrived for vindicating the principles of free trade, he trusted that he should be able to prove that they were of *American*, and not of *British* origin—that they were best suited to our condition and institutions—and that we treated British principles as we did British manufactures: we adopted them when it was for our interest to do so, and we rejected them when it was not. In moving for the committee to rise, it was not with any view of addressing the committee to-morrow; it was, that, when the motion should be again made to go into Committee of the whole House on this bill, the House should refuse at least for two or three weeks, till gentlemen had an opportunity of informing themselves as to the true character of the bill—he should be more gratified, if the House should refuse to do so altogether.

Mr. C. said he would now merely state the reasons why he was unwilling this morning to go into the Committee of the Whole on the state of the Union, to take this bill into consideration. He conceived the bill to be of the highest importance—it was certainly one of the most important measures, in relation to our tariff, that had ever been proposed. It was reported on the 10th instant—printed but four days since, without any report whatever, and it proposed substantially, to prohibit, with very few exceptions, the mass of woollen manufactures. Yet, notwithstanding its importance, and this rapid progress of the bill, the Chairman of the Committee on Manufactures had deemed it proper to call our attention to this important measure, when the members (with the exception of the committee to which he belonged) were utterly ignorant of the effect of the bill—and before there had been time to receive any information of its practical operation even from the City of New York. He confessed himself ignorant of the effect of the bill in detail, and had hoped that the chairman of the committee would have given that precise information which was required, in proposing so important a measure.

The gentleman had given us much valuable information. He had told us how many sheep we had in the country, and how many millions we had invested in the manufacture of woollens; how much we had exported, and how much we had imported; what the Chancellor



of the Exchequer had said, &c., &c. He thanked the gentleman for his able speech, and valuable statistical information; but, with all deference to the gentleman from Vermont, he had not given us the very information which we most wanted—he had not touched the very point about which we wished to be informed—he had not told us how much it was proposed to increase the duty on woollen manufactures. Mr. C. said he did not pretend thoroughly to understand the provisions of the bill, but he would call the attention of the committee to one part of it. [Mr. C. here read from the bill, part of a section, which provided, that all woollens of over forty cents, and under two dollars and fifty cents value in the foreign country, should be deemed to have cost two dollars and fifty cents, upon which valuation the duty should be charged.] The effect of this provision would be to multiply the duty every time the value was multiplied; and an article of the value of forty-one cents the square yard, being valued at two dollars and fifty cents, would pay six times the duty of thirty-three and one-third per cent. *ad valorem*: in short, under this *disguise*, it would be charged with a duty of two hundred per cent. The gentleman from Vermont might, perhaps, understand this provision of the bill; but he believed very few members were aware that under it almost the entire mass of woollen manufactures consumed in the country would be prohibited—absolutely prohibited. It would not touch manufactures of a fine quality; but it would touch that large amount of woollen manufactures consumed by the laborers, the mechanics, the farmers, and the mariners of the country—nay, by the great mass of the people of the United States in every section of the country—except, indeed, those 60,000 or 70,000 persons, who, by the account of the gentleman from Vermont, were engaged in the manufacture of woollens. The bill would fall heavily upon the consumers of woollens throughout the United States.

It was not, however, Mr. C. said, his intention to enter upon the merits of the bill. He was merely stating a few reasons why it was not expedient, at this time, to consider this question. It was not a time to tamper with our tariff when our revenue was declining. Besides, gentlemen must be perfectly aware that it would be impossible to touch this subject without reviving the whole question of our tariff. It was not to be expected that we should be called upon to pass this prohibitory act for the benefit of the woollen manufacturers of New England, without calling forth applications, equally well-founded, from other branches of industry in other quarters of the country. There would be quite as much reason for Pennsylvania to ask for an increase of the duty on bar iron; and were he a Representative from Pennsylvania, upon the principle of "reciprocity of injuries"—if this prohibition of woollens were persisted in by New England,

he would propose doubling the duty on bar iron—there was full as much reason, if there was any at all in either, in the one as in the other proposition. Gentlemen must be also aware, that, if this question was once opened, we should go from one article to another, as we did on a former occasion; from woollen manufactures to bar iron; from bar iron to cotton bagging; and as we were then, we should be again, three weeks, as it was said by a gentleman on that occasion, travelling from Dundee to Inverness, and from Inverness to Dundee. He thought we had had quite enough of that, and that this was not a time to revive the question.

In short, said Mr. C., the question is simply this:—Our woollen manufacturers find themselves in a paralyzed condition, with a large stock of their manufactures on hand. This branch of industry is precisely in the same condition that we find, and shall always find, every other branch of industry in the country, after a reaction of trade. It is not only the condition of the woollen manufacturer, and of every other branch of industry in our country, but of every branch of industry, at this moment, in every country of the commercial world. Our woollen manufacturers have increased the capital employed in their business from 10, as they themselves say, to 50 millions—they have speculated largely and unwisely; and suddenly and unexpectedly find themselves with an immense stock of woollen manufactures on their hands, which, under the shield of a monopoly, under this general prohibition they now ask for, they would have an opportunity to dispose of without loss to them, but at the expense of their country. Is not every branch of industry in our country in the same paralyzed state? Might not the representatives of every branch of industry make the same statement as to its prostrated condition? Might not the representatives of the agricultural portion of our country, tell you that the farmer has one, perhaps two, crops of wheat on his hands unsold, and solicit our aid to relieve him from the losses arising from a stagnation of trade? But, Mr. C. said, he rose not to engage generally in the debate. If the House should determine seriously to consider this question, with a declining revenue, and at this session, he should be prepared to vindicate the principles of free trade, which he had always advocated. He hoped it would not be considered at all. But, at all events, he hoped gentlemen would at least give the House time enough to understand a bill which proposed to prohibit the importation of woollens generally. He moved that the committee now rise.

The motion prevailed, and the committee rose accordingly.

THURSDAY, January 18.

The Sedition Law.

Mr. HAMILTON, who had yesterday made an

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unsuccessful attempt to have the resolutions considered which he had offered on the 2d January, and who had then given notice that he would call them up again this morning, and ask for the yeas and nays on the question of consideration, called them up accordingly. The resolutions were read, in the following words :

"Whereas a law commonly known by the name of the Sedition Law, was passed by Congress, in 1798, which in its principles was a violation of the Constitution of the United States, and in its enactments an invasion of the liberty of the press: And, whereas divers persons were indicted, convicted, and suffered in pecuniary penalties under this law—

"*Be it resolved*, That it is incompatible with the character of the Government of the United States to have its Treasury enriched with the fruits of a violation of the spirit and letter of its constitution.

"*Be it therefore resolved*, That the Committee of Ways and Means be directed to report a bill to this House, which shall make ample provision for refunding, with lawful interest, to all persons who may have suffered in pecuniary penalties under the said law, of July 14, 1798, commonly called the Sedition Law, but entitled 'An act in addition to an act for the punishment of certain crimes against the United States,' the amounts which they may have paid to the respective marshals of the district courts empowered to levy and receive the said fines; and, in case of the death, or absence from the United States, of any of the said parties, then to their legal representatives, or to such person or persons as may be duly authorized to receive the same."

The question on consideration was put by the Chair, and was decided by yeas and nays, 72 to 80.

So the House refused now to consider the resolutions.

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Mr. MINER moved the following joint resolution, viz :

*Resolved*, by the Senate and House of Representatives, That a sum, not exceeding ten thousand dollars, be, and the same is hereby, appropriated, to be paid out of any money, not otherwise appropriated, in the Treasury, to be expended, under the direction of the President of the United States, to purchase food, clothing, and other articles of indispensable necessity, for the relief of the unfortunate sufferers by the destructive fire at Alexandria.

Mr. M. said that it was known to all the House that the City of Alexandria was at this moment burning, and that a considerable portion of it would, from appearance, be consumed. What was the extent of the desolation he could not now know; but it was but too certain that there must be, ere night, many houseless and homeless families, whose situation required immediate relief. He had, therefore, introduced the resolution with a view to meet their distressing condition as speedily as possible.

Mr. DWIGHT suggested to the honorable mover, whether it would not be better to withdraw the resolution for the present, until the extent of the injury should be more fully as-

certained. The House, when it was in possession of all the facts, could better apportion their relief to the case.

Mr. MINER declined complying with the suggestion of his friend from Massachusetts, and moved for the second reading of the resolution.

Mr. WOOD, of New York, hoped the gentleman would not press the second reading, but would consent to withdraw the resolution. It was certainly premature, and the mode of making the appropriation objectionable.

The Chair suggested, that this mode of appropriation was very unusual—but would order the second reading, if the gentleman insisted.

Mr. MINER now consented that the resolution should lie on the table.

FRIDAY, January 19.

*Sufferers at Alexandria.*

The joint resolution of Mr. MINER, proposing to appropriate a sum of money, not exceeding \$10,000, for the purchase of necessities for the relief of the inhabitants of Alexandria destituted by the fire of yesterday, coming up for consideration—

Mr. MINER moved that it be referred to the Standing Committee on the District of Columbia.

Mr. MITCHELL, of Tennessee, moved to alter the resolution by striking out ten (thousand) and inserting fifteen.

The Chair pronounced the motion not now in order.

Mr. STEVENSON, of Pennsylvania, inquired of the Chair whether, should the resolution be referred to the Committee on the District, they would be restricted by the terms of the resolution; as he thought the sum of \$10,000 too small, and also thought the money ought to be placed under the control of the Mayor of Alexandria, rather than the President of the United States.

The Speaker replied, that the committee would not be so restricted, but might report a bill in such form as they judged most expedient.

Mr. CAMBRELENG suggested the necessity of promptitude in whatever was done—and asked whether it would not be better at once to refer the resolution to a Committee of the Whole.

The Chair decided that this would not be in order.

Mr. POWELL (Chairman of the Committee on the District) said, that if the subject was referred to that committee, they should report a bill in blank, leaving the sum to be inserted by the House.

Mr. MINER stated that he had had a conversation with gentlemen of the House on the subject, and had proposed the present course in consequence of that conversation.

Mr. CAMBRELENG said he had just understood, from a member of the Committee on the District, that if the subject was referred to

them, they were prepared to report a bill this day.

Mr. BURGESS said he was as willing to grant the relief proposed as any gentleman in this Hall, and he had no doubts on the constitutionality of the act. This impression, however, rested solely on the fact, that the city to be relieved was within the District, over which Congress had exclusive jurisdiction. Without the limits of that District, he should not view such a relief as constitutional: and it was for this reason that he was in favor of referring the resolution to that committee of the House which has peculiar charge of matters relating to that District alone.

The question of reference was then put and carried.

Mr. BURGESS then moved that the committee have leave to sit during the sitting of the House. The motion was negatived, (as not being necessary.) And, immediately,

Mr. POWELL, from the Committee on the District, reported the following bill:

*"Be it enacted, &c.* That the sum of ——— dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated, for the relief of the indigent sufferers by the destructive fire in the City of Alexandria, in the District of Columbia, to be distributed under the direction of the Mayor and Common Council of the City of Alexandria, for the immediate relief of such class of sufferers, and for no other purpose."

The bill was read twice, and made the order of the day for this day.

After disposing of some other business—

Mr. POWELL moved that all the orders of the day which precede the bill for the relief of the distressed inhabitants of Alexandria be postponed, and that that bill be now considered.

The motion prevailed; and the House went into Committee of the Whole, Mr. FINDLAY, of Ohio, in the chair, upon that bill.

Mr. POWELL sent to the Clerk's table a letter from William Stabler, an inhabitant of Alexandria, (for whose respectability and truth Mr. P. pledged himself to the House,) giving a succinct statement of the extent of loss suffered from the conflagration, and the amount that would be required to relieve the sufferings of those who had lost their homes. This letter stated the number of houses destroyed at between sixty and seventy, and the sum needed by the indigent portion of the sufferers, for their immediate relief, by food and clothing, at \$20,000.

Mr. P. said that he had been an eye-witness of the awful desolation, but would not attempt a description, to which he felt inadequate. One thing was evident to all who knew the circumstances of the case; the loss had fallen principally upon that class of persons whose little all consisted in the implements of their trades, and in their personal industry. The object of the bill was not to make up to any the losses they had sustained, but merely to relieve personal distress and suffering. He

then moved to fill the blank in the bill with \$20,000.

The motion was agreed to.

Mr. BURGESS said, that, in order to render it evident to all, that this appropriation was made only because the city distressed lay within the District, he would move to prefix to the bill the following preamble:

*"Whereas, by the original provisions of the Constitution of the United States, and by the cession of the District of Columbia to them, in virtue thereof, this Congress is vested with the sole and entire legislative power in and over said District; and whereas it is competent to, and the duty of, all sovereign states, holding and exercising such power, in all cases of sudden, great, and unavoidable calamities, to relieve, by legislative acts, the people suffering under such calamities; and whereas, on the 18th day of January instant, a great and extensive fire did break out in the city of Alexandria, within said District, and destroyed a great part thereof, thereby devastating the property of the opulent, consuming the means of the less wealthy, and suddenly, in this inclement season of the year, depriving many of shelter and subsistence: Therefore, Be it enacted, &c."*

Mr. POWELL observed that it was, if in order, at least very unusual to admit a preamble to any bill passed by this House; and, in the present case, he could see no necessity for it, because the bill itself expressly stated that it was for the relief of citizens of Alexandria, "in the District of Columbia." These last words had been introduced for the very end proposed by the gentleman's preamble. The bill could not, in this form, be urged as a precedent for grants out of the District, and he therefore hoped the motion for a preamble would not be pressed.

Mr. BURGESS said he was fully satisfied, not only that the House had power under the constitution, but, that they were in duty bound to pass the bill. But he was desirous it should appear, not merely that this was done for a city "in the District of Columbia," but because that city was within the District, so that sufferers might not be coming to this House for relief whenever any calamity happened in any part of the country. He well knew it was not usual to introduce preambles to bills; but this was an unusual case, and it might be proper to mark it as such. If the House shall pass the bill, it will have settled the constitutional question, and it will be proper that a preamble should explain the reason of the act. If, however, in the opinion of the friends of this measure, the proposal of a preamble will operate to embarrass the bill, he was willing to withdraw it.

Some dissent being expressed, Mr. BURGESS withdrew his motion, and the committee rose and reported the bill.

Mr. HERRICK, of Maine, said, as he intended to occupy the floor but a few minutes, he supposed that, in accordance with common practice, he must consume a little time in announc-

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ing to the House, "I do not rise to make a speech."

I certainly, said he, have a high respect for the philanthropic motives on which this bill is founded, and have not come to a determination to vote against it. My sympathies are strongly excited. But while this bill was under the consideration of the Committee of the Whole, which I supposed to be the usage, I thought I beheld the figure of a man, whom I have never seen, but of whom I have heard considerable, and said something—a suffering constituent, by the name of Isaac Pool—which addressed me, in a voice probably not sufficiently audible to be heard by other gentlemen, but being specially directed to me, I distinctly heard him. His speech was as follows:

"I was, some few years since, while in the pursuit of my usual avocation, that of a shipmaster, captured, with the vessel and crew, then under my command. A prize crew was put on board. A few days afterwards, I succeeded in recapturing the vessel, and making prisoners of the pirates, and brought them into a port of the United States, and delivered them to the proper authorities. I was recognized, in a heavy sum, to appear against them as a witness, and kept under recognizance for two years, whereby I was deprived of the privilege of pursuing my usual avocation, that 'on which I lived,' and my family reduced to as great distress as those for whose relief this bill is intended. I applied to Congress for relief, but instead of bread I received a stone. My case was admitted to be a hard one, but it was said not to be harder than others had to submit to, and that, to grant me relief, would be 'opening a door,' and 'establishing a dangerous precedent.' But I am unable to see why it would be opening a wider door, or establishing a more dangerous precedent, to relieve distress incurred by acts of pirates and Governments, than that incurred by an act of Providence. Other places are equally liable to the distresses of conflagration as Alexandria; and must I, who, by acts of piracy and the Government of my country, have been, with my family, reduced to penury and want, be compelled to contribute a mite to their relief, in every article of comfort which I may be obliged to purchase and pay for by that kind of manual labor into which you have arbitrarily thrown me? If so, let me next time be 'tried by fire.' Be just before you are generous."

Here ended the speech of the spectre—and here ends my speech.

Mr. F. JOHNSON said it was always with reluctance that he rose to address the House, and more especially on the present occasion, in which was enlisted the best feelings and sympathies of the heart, in favor of a suffering and afflicted people. But, believing, as he did, that Congress possessed no power to vote away the public money, except for public purposes, he felt himself constrained to oppose the bill. He said he felt as much for the sufferers as any gentleman in the House, and was as willing to contribute his mite out of his private funds as any other; that the bill proposed a mere gift or gratuity, and not an ordinary act of legislation in the District; that the power of Congress to dispose of the public funds was lim-

ited, in his estimation; that Congress had no constitutional right to apply the public money but to public uses, and in consideration of public services. This was an affair altogether of charity to individuals, upon neither of those grounds; that the citizens of every other town in the Union, who should meet with a like calamity, had precisely the same claims upon the charity of the House. He could not vote for the bill.

Mr. BRENT said that he regretted much to find an opposition to the passage of this bill, as he hoped it would have passed by a unanimous vote. I cannot agree to the opinion expressed by the gentleman from Kentucky, (Mr. JOHNSON,) who opposes this bill upon constitutional grounds. I did not expect, said Mr. B., to meet with cold constitutional objections upon a subject like the present, calculated to excite the warmest and tenderest feelings of the heart. This objection is not tenable. When was it ever contended before, that Congress had not the power embraced in this bill? Sir, the Government has often gone beyond the principles of this bill, and we never heard of constitutional doubts. As far as laws have established precedents, we have enough of them to guide us. May I be permitted to refer the gentleman (Mr. JOHNSON) and this House to the acts extending relief to the refugees from St. Domingo, to the sufferers of Caraccas from an earthquake, to the relief given to those who lost their property by the earthquake of 1812, at New Madrid, on the Mississippi, and to the appropriation made last year, of \$20,000, to relieve the starving situation of the Creek Indians. These precedents extend beyond the principles embraced in this bill; for they not only extend to the States of this Confederacy, but to foreign countries. And shall it now be triumphantly said, that Congress cannot assist the unfortunate of the District of Columbia, over which it alone has jurisdiction? I hope not. I trust that this objection will not arrest the benevolent feelings which have prompted this measure, which will be so gratifying to our constituents, and that one voice only will be heard, and that voice be in favor of the bill, and that immediate assistance will be given to the unfortunate sufferers.

Mr. McCOR knew very well, he said, that precedents could be produced for almost any thing. But the House was not governed by them, however numerous. It must act according to its convictions of propriety. For himself, he was sorry that he was constrained to vote against the bill. He felt, he believed, as strong sympathy with those who had been deprived of their homes at such a season, as any of those gentlemen who advocated the bill. The gentlemen professed to derive their authority from that clause of the constitution which gives Congress exclusive power of legislation over the District of Columbia; but a good rule should work both ways. He admitted that Congress, as the Legislature of the

States, might tax the people committed to their care, for the benefit of sufferers, if it thought proper; but not that it might tax the States for the exclusive benefit of this District. He could not consent that Congress should make a donation in this District which it would refuse in any of the States. He was aware that some gentlemen thought Congress might apply the public money to any object they thought proper; but he was of a very different opinion. He had no doubt that the distress, in this case, was very great; but he would rather see a subscription paper handing about the House, than hear gentlemen advocating such a bill. In the one case, he would go as far as any, but he was opposed to disposing of the public money for such purposes. He did not believe that the General Government was ever established for such an end, and if it began, there was no limit to the demands that might be made upon its charity. As to the amount of the appropriation, he had no objections. He thought the sum as small as could, with any propriety, be given. But to the principle he objected altogether.

Mr. NEWTON called for the reading of the act appropriating \$50,000 for the purpose of sending provisions for the relief of the people of Caraccas, in South America, when suffering from earthquakes and consequent famine. The act of 1812 was read accordingly.

Mr. STEVENSON, of Virginia, rose to address the House. He had never been called upon to discharge a public duty, in which his judgment and feelings were more directly opposed, than in the present instance. No man upon that floor sympathized more sincerely and more deeply in the recent calamity which had overspread a portion of the District, than he did, and no one would more willingly contribute as an individual to give relief and succor to the unhappy sufferers over whom desolation had spread its ravages. The measure of this relief, he said, would be only limited by his ability to give. He would pour out freely his individual funds, as far as he could, to heal the broken heart, and administer consolation to these unhappy sufferers. But he had other and higher duties to perform, than the indulgence of his sympathies. He could not, as a Representative upon this floor, permit his judgment to yield to his sympathies, and himself to be hurried by a gust of generous and noble feeling into the exercise of a dangerous and unconstitutional power. The power, Mr. S. said, which must be sustained by the House before this bill could pass, was, in his view, one of gigantic and alarming extent, and might be hereafter resorted to as a most dangerous precedent. It went to the extent of unlimited sovereignty in the General Government over the District of Columbia, and to the right of appropriating the national funds, for any and every purpose, unrestrained and unlimited but by the discretion of Congress. These powers he could never admit. He was forced, there-

fore, to resist them, upon this occasion, or to renounce, forever, all those principles and opinions which he had heretofore cherished and held sacred, and upon which he had heretofore acted. Thus situated, he had no choice to make, and, painful as it was, he must vote against the bill.

Mr. CARRSON said, that, under the state of feeling in which he now was, he found it impossible to remain silent. If he had not repaired to the scene of distress, and witnessed it with his own eyes, he might perhaps have been in a situation coldly to reflect on his constitutional duty; but, as it was, he felt equally unable and indisposed to go into any nice discussions on that subject. He was not a lawyer, and his opinions, if ever so decided, were not to be relied on where nice legal distinctions were involved. But he felt, whether from sympathy or some other cause, strongly impelled to vote in favor of this bill. When he had last night returned from the smoking ruins of Alexandria, and had laid him down at night upon his bed, he could not but reflect on the situation of many of his fellow-beings, who had the night before slept in security, and this night had not where to lay their heads, who had that very morning risen in comfortable, perhaps affluent circumstances, and at night found themselves without a dollar in the world. He had seen beautiful edifices, equal, some of them, to almost any in this metropolis, tumbling into ruins: he had seen delicate females, as well bred, and as well dressed, as were anywhere to be found, throwing themselves into the ranks, and handing water till their hands were stiffened with ice, and their limbs with the cold, and who refused to retire from their post, though repeatedly urged to do so. After witnessing a scene of suffering and distress like this, he was unable to refuse his assent to the bill. He had listened with attention to the objections urged. If inclined to pin his faith on the sleeve of any man, he would choose the gentleman from Virginia, on his right (Mr. STEVENSON)—but he could not in this instance coincide with him in sentiment. He had asked for a distinction between the District of Columbia and other territories under the control of the General Government. Mr. C. would answer the inquiry by observing, that all the territories had delegates to represent their wishes, and to take charge of their interests on this floor; but the people of the District of Columbia had none to represent them but the Representatives of the people at large. The latter, therefore, had the strongest claim upon the care and liberality of the House. Alexandria, that was in this case the sufferer, had already lost much by the operation of the Federal Constitution. She had lost her wealth and her commercial standing. Under the General Government, this city had sprung up by her side, as a powerful and successful rival. She was already sinking, when the fire of yesterday had given almost a death-blow. In such circum-

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stances, could the House think of refusing to the wretched sufferers such a sum as twenty thousand dollars? a sum scarce sufficient to purchase beds for all who were without any.

Mr. AROHER would obtrude for a very short time on the attention of the House. He had been not unwilling, conceding to the rapid progress desired for it by its friends, to have given a silent vote on the bill. This the course of the debate, however, had now rendered impossible. He should vote for the bill—yield it his cordial support—but not on the grounds which had been stated, and especially by the gentleman from Louisiana, (Mr. BRENT.) If those were to be considered as the real grounds of its vindication, his reprobation of the measure would be infinitely more cordial than his support; as the duty he owed to the constitution, superseded any claim, however imperative, which could be founded on the office of humanity. He owed it, therefore, to his political principles, and to his personal consistency, to explain the real grounds on which his support was rendered. That this Government possessed authority to appropriate the resources of the Union at discretion, he utterly denied. He protested against it as a doctrine which involved in its plain results the absolute subversion of all the limitations of the constitution. With an unrestricted authority as respected the application of money, the idea of circumscription to the objects and scope of this authority, was illusory and null. There might be limitations as respected the amount, but not the sphere. This would spread everywhere—be as illimitable as the wind. This Government had not control over all objects which the State Governments controlled. This would be inconsistent with the very nature and name of a Federative system, which was set up for particular specific purposes only, as every one acknowledged. These purposes, it might be said, were not susceptible of accurate and unquestioned ascertainment. Admit this to be so, yet there were lines which it was impossible, without a gross abuse of reason and deviation from fair conduct, to transcend. Functions could not be inferred as appropriated to the specific authority, which the State and constituent authorities were competent, without question, to discharge with equal or greater facility and advantage for themselves. This would be outrageous an acknowledged principle in relation to individuals and political depositories. Governments were more jealous of their authority than individuals. The State Governments did not require an auxiliary; there was not a new and further authority, a twenty-fifth government, to exercise the function of disbursement of the public money. This, surely, the State Governments were competent to do for themselves, and the function was not, therefore, to be considered as transferred generally, for all purposes, without reserve, without restraint. This was no conclusion of metaphysical subtlety, but of common understanding. As to the

precedent which had been mentioned, how was precedent to operate on a question of constitution? Its operation was on opinion and judgment, not principle and conscience. No man's opinion could bind another's principles. Precedents operated in judicial tribunals because the object of this judication was to obtain uniformity of decision. In a legislative jurisdiction, they had no binding operation, because the purpose in these was not so much to fix as to vary decision, till it was supposed to have attained correctness, and even to conform to the perpetual fluctuations of opinion. Precedents, then, in these jurisdictions, were nothing as regarded their authority. The precedents relied on in the present instance, would be of no force even in courts: for the point which was now presented had not, as Mr. H. believed, been made; and it was the rule of courts, in this respect, that the question in dispute must have been agitated, to give to the decision the character of precedent. The argument from precedent proved nothing, therefore, in this case, if it could do so in any of the same kind. The right to give the money which was now asked from our humanity, was not dependent, Mr. A. said, on any such unwarranted doctrine as this he had been examining. If it were, he would be behind no man in renouncing and in denouncing, instead of acceding to it. We had no power to bestow the money of the Union, on all objects and occasions, at our discretion, however strong the appeal these objects and occasions might address to us. We could only bestow this money for the clearly defined objects of the Union. It was not that the preservation and good order and prosperity of this District, as of the territories or other places in which Congress exercise exclusive jurisdiction, was one of the clearly defined objects of the Union, committed to the Government, in the due advancement of which its interest was unquestioned—even this ground was not essential to vindicate the appropriation which was now proposed. But we were a Legislature for the District as well as for the Union. Our larger functions did not exclude and swallow up, and annihilate the less. If it were a paramount, it was not an absorbing function. But, as the Legislature of the District, our power to sustain and to burthen must be correlative. We might tax without any other limit than discretion. We had a power not only as large, but larger, and though not unbounded, yet less bounded, than that of any State Government within its limits. Could our power be of this character, to take the money of the people of the District, and yet the power be denied us to return to them the whole or any portion of it, to advance them in prosperity—to sustain them in affliction? What sort of a mockery was it to talk of a Government without such a reciprocity of power, and that, too, in the heart and bosom of a community of freemen? Nobody denied our power to tax; nor that we did tax the District in precisely the same way in which

we did every other portion of the country—all our taxation might be said to be derived from indirect sources at present. A friend near him, Mr. A. said, suggested that the direct tax had operated here as well as elsewhere. Was this power to tax, a mere office of spoliation, without a faculty to expend the fruits on the subjects of it? It was not the money of the Union, but their own money, which he claimed the right to expend on their occasions or necessities. If we had not this power in relation to them, who had? Were they an outlawed race, disfranchised of all beneficial exercise of political authority—accessible to its burthens—precluded from any sustaining visitation of its influence? This could not be in reason, any more than justice or humanity.

The case, Mr. A. said, was one addressing the strongest appeal to sympathy and feeling. It addressed, however, yet a stronger principle—the obligation to extend protecting care to those who were committed to our control by the constitution. The concession we were asked to make, so far from violating any constitutional or other principle, would be made not to sympathy, but duty.

Mr. STORRS said, that the question which had been well asked by the gentleman from Virginia, (Mr. ARCHER,) involved an answer to all the arguments which had been offered against the bill. Where is the supreme legislative power over this territory of ten miles square vested—and in whom? He hoped that some one of those who opposed the measure would answer this question distinctly and fully: for, to deny that this general power is vested in Congress, either assumes or must lead to the conclusion, that, in the District of Columbia, there is no civil government at all. Until this question is satisfactorily answered, there seemed to him to be no doubt of the constitutionality of the bill. Mr. S. said, that he considered the doubt which had been started, to have been settled too long, and on too many occasions, to admit of question at this day. We have incorporated in this District a host of banks, and yet no very loud alarm was sounded on the creation of these incorporations; or, if any one had then doubted our right to create them, the question has been given up long ago. He begged leave to ask under which of the enumerated powers, and which of them was proposed to be carried into effect by these measures? But this is a mere fragment of what has been done. Congress have created incorporations for bridges, and imposed tolls for the benefit of private companies. They have authorized canals, and imposed tolls on the navigation of them; and, on numerous subjects of strictly internal and domestic regulation, have uniformly exercised all the powers of a local Legislature for all municipal purposes, and continue this legislation at every session, without question of its constitutionality. These bills, exacting tolls and taxes at these canals and bridges, received the sanction of the Executive

at different times, and from some of whom we might have had reason to expect an objection, if a serious or plausible doubt could have been supported against them. The bill for establishing tolls on the Cumberland road, within the boundaries of some of the States, was met quite promptly with an Executive veto, but he did not recollect that the constitution or rights of the States had ever been considered to be in any danger from the numberless acts of a municipal character, adopted in our legislation over this District. The constitution has so unequivocally and plainly expressed the extent of the power of Congress over it, that the very letter of it scarcely admitted, in his opinion, of a question. As to the exercise of political authority over the States, our powers were enumerated and specific; but, when the constitution speaks of the District of Columbia, it grants to Congress the power of exclusive legislation in all cases whatever. There is no limitation or restriction. We are the Legislature of the States in the powers enumerated as to them; but as to this District, we are the supreme legislative power. The very phrase, "the power to legislate in all cases whatever," is the precise definition itself of the supreme political power of a State. Our power here is absolute, uncontrollable, and unrestricted. It is, indeed, exercised more broadly than the States themselves have done over their own people. We have even taxed this District without its consent, and without even the form of representation. We are sovereign here for all purposes, and have the same discretion that the State Legislatures may exercise in their own Governments. An idea had been started in the debate, which he thought had misled the opponents of the bill. It was asked, if we could take the money collected from the people, or belonging to the United States, and expend it in this District? It was a sufficient answer to this to say, that the public Treasury receives from this District, through the custom house at Alexandria, a share of the public revenue, and it might be as conclusive an answer as the argument itself assumes, to ask, in reply, if we have the right to take the money collected here, and expend it anywhere else? The truth is, that the receipts of the Treasury is the revenue of the Government, not in its character of a legislative power as to the States, or the enumerated powers, but as the Legislature also of this District. The difference of the extent of its powers over the one or the other creates no distinct character in its revenues. We hold no share of the money in the Treasury as the money of the States, and another in our character as the Legislature of this District. It is the common fund of the Government, no matter from whence it came. He had never thought that, in the exercise of any power whatever, for any public object, we were to look first for the purpose of finding out from whence our revenue comes, before we venture to dispose of it.

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It is not received to be paid back again to the very persons or States who contribute it. He had heard that we had the power to make roads and canals in the territories, because the public lands in those territories belonged to the United States, and paid a revenue when sold, but he was not a believer in this doctrine, though he had no doubt of the power of Congress to construct roads or canals in its own territories, if it was thought best to do so. He considered the grant of this fund, now proposed to be given for the relief of the sufferers at Alexandria, as a question of mere discretion, and as completely within the constitutional power of Congress as the right of the Legislature of one of the States in respect to one of its own cities; and was unwilling to protract the hour of their relief by prolonging the debate. He did not think that the question had any relation whatever to the power over the subject of internal improvement in the States, either under the power of appropriation, from whence some had derived it, or as incident to any of the powers enumerated in the constitution. That question must be settled, if it is not already so, on grounds altogether distinct from those which support this bill.

Mr. CAMBRELENG said it was not his intention to prolong the debate. He was too sensible that he owed an apology to the spirit of humanity, for every word he uttered: for, while the debate was progressing, those for whom the charity was designed, were perishing. He respected the scruples of gentlemen who entertained constitutional doubts—he, also, was anxious to act upon constitutional principles—but this was not the time, nor the occasion, to fight the battles of the constitution. Even if he doubted, he would at once cast his doubts aside, and extend relief to his suffering fellow-citizens. He confessed he was, in this instance, actuated by an impulse, such as he should feel on seeing a fellow-creature about to perish amidst the waves—he should plunge in to save him, regardless of the consequences. Upon a proper occasion, he should be ready to defend the constitution. Whenever it is attacked—whenever a dangerous enemy appears, then would the gentleman from Virginia, (Mr. STEVENSON,) and himself, be found side by side, defending the principles of the constitution; but this was not such an occasion. What were the circumstances? In the coldest winter we have seen for many years—in the coldest night we almost ever felt, part of a town within sight of us, and within our own jurisdiction, is laid desolate, and in ashes; and our fellow-citizens, houseless and destitute, ask us for relief; it was not a time to stop to examine our constitutional doubts. He trusted that the citadel of the constitution would never be assaulted; but, if it ever should, God grant, said Mr. C., it may never be surrendered to an enemy more formidable or dangerous than charity. But, in this case, it is not endangered—we have the power—we are protected by the

shield of the constitution—let us march promptly to save our countrymen, who are at this moment perishing from cold and from want.

Mr. HAMILTON said that he really thought the question free from all difficulty, in relation to the constitutional power of the House to pass the proposed appropriation.

The authority of "exclusive legislation," given by the constitution to Congress within the "ten miles square," could fairly embrace all the exercise of power necessary for the measure. This power of "exclusive legislation" was given without an enumeration of any branches of authority in the grant, which were intended to be excepted, and it was certainly designed that Congress should exercise such municipal functions as belonged to the social condition of the people over whom exclusive legislation was to be exerted. It was by virtue of this, that we laid out streets, constructed highways, and appropriated money for pavements, within the City of Washington: and, if all these things could be done within the City of Washington, they can, with equal authority, be done in Alexandria, which is within the ten miles square. Is not relief in cases of such a distressing calamity as the one we have witnessed, an exercise of authority belonging to the ordinary municipal functions? And if we can go into the street and construct pavements within the District, for the convenience of its community, can we not exercise the same power of appropriation to subserve a more eminent convenience, if not an absolute necessity?

He respected the patriotic feelings and enlightened opinions of his friends from Virginia on most of the subjects of constitutional power which they discussed in that House; but he regretted that they had retarded the progress of a measure to which he did not think their doctrines applied. With them he was prepared to put a negative on the unlimited power of appropriating money on the part of the General Government, as he conceived this one of the largest stretches of authority that could be assumed. To give to any Government the power to spend money without restriction, was to give them the power to do what they pleased; it was the great lever, physical and moral, by which, in civilized society, almost any thing could be moved. Nor was it an answer to this to say that it was harmless, if the whole power was exhausted by the mere act of appropriation, and if Congress assumed no subordinate power consequent on the expenditure of the money. It ought in reply to be remembered, that the act of appropriation may in itself carry with it all the consequences of power in the effect to be accomplished, which would render subsequent legislation a mere matter of regulation as to the modification of that large mass of power which the appropriation of the public money had already created.

With these views, he had always considered the arguments of Mr. Monroe, (as highly as he



respected the opinions of this venerable patriot,) as more open to objection than many of the sources from which the authority to construct works of internal improvement had been derived. With this sentiment it was unnecessary for him to say that he concurred with his friend from Virginia, (Mr. STEVENSON,) that the charitable donations to the people of Caraccas, after the memorable earthquake which had desolated their country, and to the refugees from San Domingo, were appropriations made without constitutional power; and are therefore not precedents entitled to authority. But it will be recollected that we were not empowered to exercise "exclusive legislation" over the territory of Caraccas, or over the inhabitants of San Domingo; that the conservation of the peace, safety, and well-being of those communities were not confided to our care. In one word, sir, it seems to me susceptible of demonstration, that the power of appropriating the public money, within this District, for this District, is an inseparable incident "to exclusive legislation" over it.

But it may be asked, what are the limitations to the exercise of this power within the District of Columbia? which brought him to a point in the argument where he would notice a most unwarrantable assumption of authority, which the gentleman from New York (Mr. STORRS) had set up for Congress within the ten miles square. If he understood that gentleman, he had said, that "exclusive legislation" implied the absolute and uncontrollable power of Congress to do in the District whatever in its sovereign power it might think proper to do. That it was a grant of authority without any limitation whatsoever, either express or implied. Sir, this is the most dangerous doctrine that can be avowed; it justifies the power to erect an absolute despotism here, if the great securities of the constitution are merged in the power of "exclusive legislation." From that gentleman's argument, it would follow, that Congress could suspend the writ of *habeas corpus* in their discretion, in time of peace, or do any act of unlimited dominion, here to operate. And that the "ten miles square" could be made the arena of any mischievous or arbitrary experiments in legislation, that might suit our caprice.

Widely different is my view of the power which Congress exercises within the District. "Exclusive legislation" implies nothing more than the absence of State legislation, which followed from the fact of the cession of the territory of Virginia and Maryland; but that this cession was taken, not only with all the securities to the people of the District, which the Constitution of the United States gives to the people of the several States, but that all the rights and immunities of property, whatsoever, which they had as citizens of Virginia and Maryland, are preserved to them inviolate on their part. That the cession was made to, and taken by, the United States, in regard to

all the pre-existing rights of property; and any other view would sustain the position, that the States of Maryland and Virginia had the power, by a transfer of a part of their population, to a new Government, to deprive them of any one of the cardinal rights which they possessed before, as citizens of Virginia and Maryland.

This appropriation interferes with none of these rights; it is an ordinary function of municipal power, and I shall vote for it, because it is to be exercised in a manner that meets the best feelings of my own heart.

Mr. CAMPBELL having no scruples as to the power of the House to pass the bill, thought it his duty to raise his voice in behalf of the distressed sufferers whom it was intended to relieve. Mr. C., in reply to the gentleman who had urged the constitutional objection, quoted the constitution in that clause which gives to Congress exclusive power of legislation for the District. And he then inquired, whether, under this clause, it would not be competent to the House to enact a system of poor laws for the District? And, if it was, whether the House could not, with equal propriety, make such appropriations as the system might render necessary? He thought it was a natural and necessary consequence; and if it might appropriate for the poor of the District at large, why not for those suddenly made poor by an act of Providence? He was astonished at the attempt to establish a distinction between the right to appropriate for the District of Columbia, and for the Union. He could see none. Did gentlemen propose that there should be a separate Treasury to receive the collection made at the custom house in Alexandria, from that which received those at all other ports, and from which alone separate appropriations were to be made for the District? When any calamity happened, to relieve which, the ordinary means of the inhabitants of the District are inadequate, it constituted a case which called loudly for the interposition of Congress. He considered the present as such a case, and should cheerfully vote for the bill.

Mr. WOOD, of New York, thought there was no constitutional question involved in the case. He was one who had always held, with his friends from Virginia, to the strict interpretation of the constitution, and who admitted with caution any thing like constructive powers in the General Government; but this he held to be no such case as called up that question. He thought the position taken by his colleague, (Mr. STORRS,) was not fairly exposed to the construction of the gentleman from South Carolina, (Mr. HAMILTON.) When his colleague maintained that the General Government was absolute within the District of Columbia, he meant, of course, that it was absolute within the limits of the constitution, and no farther. The same allegiance which the inhabitants had owed to their State Legislatures, was by the cession of territory trans-

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ferred to the General Government, and that Government was absolute over them, to the same extent as their own Legislatures would have been. Every nation, Mr. W. said, was bound to support its own poor. This obligation, which was universal throughout the world, was also universal in each nation, so far as the entire mass of its poor was concerned; and was only broken down and divided among subordinate parts of the nation, for the sake of greater convenience in administering the support—the principle was not changed, nor the force of the obligation at all weakened. It was always binding, as a duty of humanity. When a providential act was sudden and calamitous beyond the ordinary power of the District to meet and provide for it, Congress must do it, and had the clear right to do so. Does it not build prisons and hospitals for the District, because the means of the population are inadequate to these works? They are given on the principle of protection—so is the bill. It is at once constitutional, a duty of protection, and it is an act of humanity, common to every Christian jurisdiction in the world.

Mr. F. JOHNSON said he should not have risen again, had he not been called on by several gentlemen, in their remarks, to say whether Congress had not the sovereign and exclusive right of legislation over this District. He said he admitted the right in the fullest extent claimed, and he believed it might extend even to the case intimated by the gentleman from South Carolina, (Mr. HAMILTON,) as having been alluded to by the gentleman from New York, (Mr. STORRS,) that Congress had the power to regulate all the municipal concerns of the District, to regulate descents, and the transfer of property, real and personal, and all other things that any State Government could do within the limits of its territories; that Congress was bounded, in their legislation over this District, only by the Constitution of the United States. But, he said, admitting all this, it proved nothing in favor of the right to pass this bill. He said, if he could show that Congress could do a like act for any other place out of the District, it would seem to prove that the power to do this act was not derived from, or grew out of, the fact of exclusive legislation over the District; and gentlemen in favor of the bill admit, if the power to give this money does not arise out of the right of exclusive legislation, that they have it not. Well, sir, what is the bill? Does it contain anything more than a mere simple gift or donation to the sufferers by fire in Alexandria? Is there any thing in the Constitution of the United States, or of the States, that would prevent the citizens of Savannah, who had suffered a much severer loss, or Charleston, or New York, from receiving a donation from Congress? Are they not just as free to receive the gifts of Congress as the people of Alexandria? What hinders them? Congress cannot interfere in the legislation of the States. The people of Charleston

or Savannah could not receive a code of descents or conveyances from Congress. But there is nothing to prevent their receiving its bounty. This bill is altogether an affair of charity; all the citizens of the United States have the same power to receive, and all have the same right to claim it. It would, therefore, seem clear, that any town had the same right to receive, as the town of Alexandria, the donations of Congress; and hence the power to give does not arise out of the fact of exclusive legislative jurisdiction. It cannot be said that the City of Alexandria, and the county in which it is situated, have no power to regulate its police, to collect taxes, and provide for the poor, as well as the cities and counties in the States. What then is it that prevents Congress from administering to the relief of sufferers by fire, everywhere? Because the constitution confines the appropriation of the public money to public purposes. The pavement in this city, alluded to by the gentleman from South Carolina, (Mr. HAMILTON,) as a precedent to warrant the passage of this bill, was done as a public work. That was the pretence—and, as to the erecting a light-house, and custom house, in Alexandria, mentioned by the gentleman from New York, (Mr. STORRS,) as a precedent for this case—they were for public uses, to facilitate commerce, and to collect and secure the public revenues. Would Congress have the right to appropriate money to pave the streets of New York, or any other place? Could their authority be intruded there to make streets, unless it was in the promotion of some national work? But the people of New York could receive a donation as well as the people of Alexandria; but the right of Congress to give, is the question.

This bill contains a mere gift of money, expressly of charity, without reference to public uses, or public services—just precisely such a gift as might be made to any other people, in or out of this nation. If Congress has the right to give away the public money for charitable purposes, there is no limit in the constitution to whom or where it shall go. And, it is just as constitutional to give it to one person as another. I am for adhering to the constitution, and appropriating public money only for public purposes, or in consideration of public services. When we depart from this, we have no guides but our passions, and our discretions—and, however great my sympathies may be for the sufferers of Alexandria, my duty, as a Representative upon this floor, forbids, according to my views of the constitution, my voting for this bill; nor, indeed, did I ever admire that sort of magnanimity, that would give away that which belonged to others, and not ourselves. I am willing to contribute to the relief of these unfortunate and distressed people out of my own, but not out of the public Treasury.

Mr. RIVES said it was with great reluctance he rose at this stage of a protracted discussion;

but he felt it his duty to add a few words to what had been said by others, in denial of the power proposed to be exercised by this bill. It appeared to him that a pervading fallacy ran through the whole of the arguments in favor of the bill. Our attention had been directed, for the derivation of our power upon this subject, to a part of the constitution, which, he thought, had no appropriate relation to it. This was not a question of exclusive legislation, properly so called, over the District of Columbia, but it was a question respecting a grant of the national funds. The bill, upon its very face, is an appropriation of so much of the public money for a particular purpose. Now, whence do we derive our power of raising and applying the public money? It is from that clause of the constitution, which authorizes Congress "to lay and collect taxes, duties, &c., to pay the debts and provide for the common defence and general welfare of the United States." According to the broadest construction which had ever been put upon this clause, it justified no appropriation of the public money, but for some purpose connected with the common defence and general welfare of the Union. For his own part, said Mr. R., he had always thought that these general terms were limited and defined by the subsequent enumeration of specific powers granted to Congress, and that we could not legitimately vote away the public money, but in execution of some of the powers so granted. But, even taking for our guide the most liberal construction which has ever been suggested, can it be pretended that the object of this bill, the relief of the unfortunate inhabitants of Alexandria, (for whom he felt as much sympathy, and was willing to evince it, with his own means, as far as any gentleman,) is, in any manner, connected with the payment of the debts, or providing for the common defence and general welfare of the Union? No, sir, it is purely an act of private charity, which we undertake to perform at the public expense, instead of our own.

If an application of the public money, like this, can be covered under the power of exclusive legislation for the District of Columbia, the constitution has, in vain, sought to fix a practical limit to our powers over the public purse. My friend and colleague, who now sits near me, and who has advocated the passage of this bill, denies the power of Congress to appropriate the public money to the establishment of a National University. Gentlemen, who think with him and me, deny, also, the power of Congress to establish National Observatories, or to bestow gratuitous pensions; because we believe that the power of this Government to grant the public money is limited to those objects only, for which we are authorized to provide, in the direct exercise of our specific powers.

But what becomes of this limitation, if the latitude now claimed for the power of exclusive legislation over this District, be conceded? We have only to draw these objects within the

enchanted circle of the District, to establish the University and the Observatory here, to assemble the corps of Pensioners here, and all difficulty vanishes. Upon this principle we may exhaust the whole treasury of the nation, here, in the endowment of eleemosynary institutions, or whatever other scheme may please the fancy of the sovereign Legislature of the District of Columbia! We may thus enact a system of poor laws for every State in the Union, upon condition only that the paupers shall come here to partake of the national bounty.

Mr. HALE now demanded that the question be taken by yeas and nays, and it was so ordered by the House.

Mr. DRAYTON said, that, although the bill had undergone a great deal of discussion, which the House had shown a strong disposition to terminate, yet, as the subject embraced in it is deeply interesting to the feelings, and involves in its consideration a constitutional question, I will, said Mr. D., briefly submit the views which I take, as to the power of the House to make the appropriation prescribed for in the bill. I am not, said Mr. D., and never have been, favorable to what is usually termed an enlarged interpretation of the constitution. I think the acts which it warrants, must be derived either from express power contained in it, or they must be necessary for the purpose of carrying into execution a power expressly granted. The doctrine which has by many been contended for, that Congress may pass all laws which they deem necessary for the general welfare, I disclaim. If they have such a power it would be difficult to say what power they have not. I contend for no more than I have stated: and if, within those principles, Congress cannot pass this bill, I admit that it cannot, constitutionally, become a law.

Amidst the powers given to Congress, some are general, and some are particular. Some are unconditional, some are limited. Where a power which is general and unconditional is granted, the only limitation which can be annexed to it, is the discretion of the Legislature. I will illustrate the distinction between these two species of grants, by referring to one or two clauses of the constitution. In the 8th section of the 1st Article, Congress is empowered to provide and maintain a Navy. Under this authority, they may exercise every act necessary for the arming, equipping, and manning a fleet; the number, the size of the vessels, the pay of the officers and of the men; in short, any thing requisite for the purposes of a war, in all its branches, is within the power of Congress, and the extent to which they choose to exercise their powers upon this subject, is only to be regulated by their judgment and discretion. Congress, says the constitution, may lay and collect taxes, duties, imposts, and excises; to this extent their power would be unlimited, were it not for the specifications of the objects for which alone these taxes, &c., could be levied, and to which alone, when lev-

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ied, they could be applied; they must be levied for the purposes of paying the debts and providing for the common defence and general welfare of the United States. I might cite many other instances of general and of limited powers, but these two will be sufficient to exemplify the distinction I have mentioned. If Congress possesses an unlimited and unconditional power to legislate for the District of Columbia, it unavoidably follows, that they possess the power of passing this bill. The constitution vests in Congress "exclusive legislation in all cases whatsoever," over the District of Columbia. Having the power to legislate in all cases, they may pass a law appropriating money, and according to the principle I have referred to, that they have the power to carry into execution the powers expressly vested in them, they may raise the funds to carry this appropriation into effect. Under the constitution, the only qualification annexed to this exclusive power of legislation, is, that it shall be confined to the District; and the appropriation contemplated by this bill is confined to the District.

It has been said, that, admitting to the full extent the power to legislate for Columbia, and the consequent right to appropriate money for its use, yet that the money appropriated must be obtained by tax upon its inhabitants; because Congress can only appropriate money by virtue of some authority derived from the constitution, and no part of that instrument permits the appropriation of money to relieve the distresses of individuals. My reply to this argument is, that it is contrary to the letter of the constitution, and the construction of the powers granted in it, which I have stated, and which are admitted by its most rigid expounders. The power is given without limitation; it can therefore only be limited by discretion: the power to pass the law is expressly given: the power to carry it into execution must necessarily follow. These powers are nowhere limited by a provision, that the moneys to be appropriated for the District shall be raised by taxing its inhabitants; to couple this unlimited authority, therefore, with such a provision, would be to convert by construction, a great and unqualified power into a particular and limited one. And the spirit and letter of the constitution are as much violated, by taking away from it a power which has been directly granted to it, as by adding to it a power with which it has never been invested. I feel confident that the position which I have assumed, that, if Congress possesses the power to legislate in all cases for the District of Columbia, it has the power to appropriate money to carry its legislative acts into execution, will not be contested. If Congress have this general power of legislation, it cannot be confined as to the amount which it may appropriate: it may, from some important consideration, appropriate an amount for the District, greater than could be raised within it by taxation; if, then,

in such cases, Congress could not raise money from other sources, then this constitutional paradox would result, that Congress had the exclusive power to legislate for Columbia, but had not the power of carrying its legislative acts into execution.

Mr. MARVIN was in favor of the bill. It was true, that Congress possessed only delegated powers; the rest were reserved to the States, or to the people. The power of the General Government was not sovereign, but that of the States was so. The Legislature of a State had power to legislate for the general welfare, and to provide for the relief of a general or public calamity; but for the people of the District of Columbia, what power was reserved? None. They had no sovereignty: no Legislature. The power to appropriate money and to levy taxes, is given to the General Government for certain purposes, and not reserved to the people. But gentlemen argue, that this is not to be applied in the case of the District. But surely Congress is sovereign over this District, and may exercise its power of appropriating money here, for here it has exclusive legislation. The constitution has erected the District, and has made its inhabitants little better than servants, as to their political power; and now, is it said, that Congress is to exercise no paternal care over them? Have they no Government to look to? Are they placed beyond the pale of relief in any case? Are the citizens of the District citizens of no country? Surely they are American citizens, and may look, as well as others, to their Government for succor. We have clearly the power to relieve them, both constitutionally and physically; and, if so, we are bound to exercise it, and to relieve them now.

The question was now loudly called for in all parts of the House; and, having been taken by yeas and nays, the votes, on ordering the bill to a third reading, stood as follows:

YEAS.—Messrs. Alexander of Tennessee, Archer, Bailey, Badger, Barbour of Virginia, Barney, Baylies, Beecher, Brent, Bryan, Buchanan, Burleigh, Burges, Cambreleng, Campbell, Carson, Cassedy, Cocke, Davis, Dorsey, Drayton, Dwight, Eastman, Everett, Findlay of Ohio, Forsyth, Forward, Fossdick, Garnsey, Garnett, Garrison, Govan, Gurley, Hamilton, Harris, Hasbrouck, Hayden, Haynes, Hobart, Holcombe, Holmes, Houston, Hugunin, Humphrey, Ingersoll, Isacks, Jennings of Indiana, Johnson of New York, Kittera, Lathrop, Lawrence, Locke, Marable, Markell, Markley, Marvin of New York, Mattocks, McDuffie, McKean, McLane of Delaware, McLean of Ohio, Meech, Mercer, Miller of New York, Miner, Jas. S. Mitchell, Mitchell of Maryland, Mitchell of Tennessee, Moore of Kentucky, Newton, Orr, Owen, Pearce, Plumer, Powell, Reed, Rose, Ross, Sands, Scott, Shannon, Sill, Sprague, Stevenson of Pennsylvania, Stewart, Storrs, Strong, Swan, Taylor of Virginia, Test, Thompson of Ohio, Tucker of New Jersey, Van Horn, Van Rensselaer, Verplanck, Vinton, Wales, Ward, Webster, Weems, Whipple, White, Whittlesey, Wickliffe, James Wilson, Wolf, Wood of New York, Woods of Ohio, Wurts—109.

NAYS.—Messrs. Addams of Pennsylvania, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Alston, Anderson, Angel, Armstrong, Ashley, Baldwin, Barringer, Bassett, Blair, Boon, Cary, Claiborne, Conner, Crowninshield, Crump, Davenport, Deitz, Edwards of North Carolina, Estill, Findlay of Pennsylvania, Haile, Harvey, Healy, Henry, Herrick, Hines, Hoffman, Ingham, Johnson of Virginia, Johnson of Kentucky, Krebs, Kremer, Lecompte, Letcher, Long, Martindale, McCoy, McHatten, McManus, McNeill, Merriwether, Metcalfe, Miller of Pennsylvania, John Mitchell, Mitchell of South Carolina, Moore of Alabama, O'Brien, Polk, Ripley, Rives, Saunders, Sloane, Smith, Stevenson of Virginia, Taliaferro, Trezvant, Tucker of South Carolina, Whittemore, Williams, Wilson of South Carolina, Wilson of Ohio, Wright, Young—67.

The bill having been subsequently engrossed, was then read a third time, passed, and sent to the Senate for concurrence.

MONDAY, January 22.

*Duties on Wool and Woollens.*

The House now resumed the unfinished business of Thursday, being the motion of Mr. BUCHANAN to discharge the Committee of the Whole on the state of the Union, from the further consideration of the bill proposing certain minimum duties on woollen goods.

Mr. BUCHANAN said, I should have waived the privilege which is usually extended by the courtesy of the House to the mover of a proposition, of closing the debate, if it were not for a single circumstance. I did not hear the remark of my friend from Virginia (Mr. MEXCEY) on Thursday last, which imputed ignorance of his duty to a former Chairman of the Committee of Domestic Manufactures, who was a member of this House from the State which I have, in part, the honor to represent. For what cause has this charge been made against that gentleman? It is not because he was ignorant either of our foreign or our domestic trade: not because he was unacquainted with the countries from which foreign iron was imported, and its cost, both to the foreign and to the domestic manufacturer; but simply because he had forgotten, or, perhaps, never had known, the name of an obscure town in Wales, from which that article was imported. I must confess I do not remember the name myself. The gentlemen around me now inform me it is Cardiff. The truth is, that gentleman had enjoyed singular good fortune during the short period which he remained in Congress; but not better than he deserved. To him, more than to any other individual in this nation, are we indebted for the tariff of 1824—a tariff which has been so mild and so gradual in its operation, as not to have burdened the community, and yet so powerful as to have generally afforded efficient protection to our domestic industry. It was a tariff of protection, not of prohibition. That gentleman had labored upon it incessantly for the whole of two sessions; and yet we are now called upon, during

the few remaining weeks of this session, to mature, to pass a new bill upon this subject. Gentlemen, although they have not directly charged me with inconsistency, yet such a charge is fairly to be implied from their remarks. Can any person really believe that, because I supported protection in 1824, I am bound to advocate prohibition in 1827? Did my course then, compel me now, in order to be consistent, to vote for any crude and undigested measure which may be proposed, merely because it is called a tariff? Certainly not. This bill, should it become a law, will effectually prohibit the importation of nearly all the woollen goods in common use, whose value, at the place of exportation, shall not exceed three dollars and fifty cents per yard. It embraces peculiarly within its grasp, those articles worn by the poor and middle classes of society. Its provisions extend far beyond the request of the woollen manufacturers. They have not alleged that the duty of thirty-three and one third per cent. was insufficient for their protection; but they complain, and I believe with justice, that British manufacturers and British agents fraudulently evade the payment of this duty. What, then, is the proper remedy? A measure which would prevent the fraud, and give fair effect to the tariff of 1824. Instead of that, we are now presented with a bill which closes the door altogether against foreign competition. This is the application of salivation and blistering to cure the headache. The remedy is entirely too violent for the disease. If the bill had proposed a moderate minimum, and had made a small addition to the *ad valorem* duty, it should have received my support. In its present shape, however, I could not vote for it, even if it embraced a provision to impose additional duties on the importation of foreign spirits and of hemp. Sir, said Mr. B., I wish to put the question seriously to every member within the sound of my voice, whether they believe it possible to mature and pass a proper bill upon the subject during the present session? If the House should make the attempt, I feel positive that my course will be proved to be correct. After wasting much precious time in the discussion, and after dividing the friends of domestic manufactures themselves, the bill will eventually be postponed until the next session. I am sorry that I am compelled to make these observations, but self-preservation is the first law of nature. As a Representative of Pennsylvania, as a friend to the tariff, and feeling a deep interest in its popularity, I can never look on with indifference at the passage of a bill which will at once prohibit the importation of foreign woollens; much less can I do so when that bill contains no provisions calculated to protect the suffering domestic industry of my own State.

Mr. HAMILTON said, that it was not his purpose, at the present time, to go into a discussion of the policy of the measure proposed by the bill under consideration; he would there-

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fore endeavor to confine himself strictly to the question before the House, which was substantially whether our decision on the proposed increase of duty on woollens, ought not to be postponed. For voting in the affirmative he had many reasons, besides his strong and unreserved opposition, generally, to any increase of the impost, let it come up in any shape it might. But to the passage of the bill at the present time there are solid objections. In the first place, the whole country, excepting those who are to benefit by the monopoly, will be taken by surprise, by the imposition of an unexpected and grievous tax, at a period when three-fourths of its industry is suffering and depressed. No anticipation can have been formed of the blow which is meditated: for, although it is perfectly true, that several memorials have been presented from the woollen manufacturers and wool growers this session, asking for the bounty of this prohibition, yet an expectation has generally been cherished, that we would not act on a partial interest, from a partial view of the great interests of the country. That this impression prevailed, he would only appeal to the correspondence from this city, which had appeared in the different prints in various quarters of the country. If a contrary apprehension had been entertained, your tables would have groaned under the weight of the remonstrances which would have been sent here from all quarters against this cruel and unjust measure. Under this false security, even the commercial jealousy of the great emporium of our Union, New York, has not been awakened, or we should have had the most copious intelligence poured in upon us from that city, demonstrating the pernicious tendency of the step you are about to take.

Have we any information as to its operation on the revenue? Has the Chairman of the Committee on Manufactures condescended to enlighten us on this subject, beyond his mere surmises and conjectures? Has he obtained any estimates from the Treasury? Has he, in one word, the sanction of the officer at the head of that Department, for a measure which is to operate a decided prohibition on the import of one class of woollen fabrics, and that class principally worn by the poor, who can least bear the burden? No, sir; but he has gone on as if these considerations were unworthy of being taken into account. After the passage of the tariff of 1824, the people, at least from that section of the country from which I came, supposed that they were to have a respite and repose for several years, from the agitations of this vexatious and disgusting topic. They knew that it had terminated in a compromise, the chief expense of which they had to bear, but, like the traveller stopped by a footpad on Hounslow Heath, who is willing to compound to get off with his shirt and waistcoat, even with the loss of his coat and watch, they were suffering and content. But it seems that this

blessed compromise has not brought peace and security, and we are again to be thrown into commotion and combat.

A gentleman from New Hampshire (Mr. BARTLETT) remarked, when the subject was before the House a few days since, that it ought not to produce any excitement; and connected it with an allusion for which, as he received your just rebuke, I shall abstain from saying any thing in regard to the wit and delicacy in which that allusion was conceived and expressed. Not calculated to produce excitement! Did not the tariff of 1824 produce excitement? Did it not shake this Union to its centre? Did not the people in those quarters where your injustice was most felt, boldly challenge you to produce the warrant for your authority in travelling one inch beyond revenue in the imposition of your duties? And when, in violation of the Constitution of the United States, you talked of encouraging domestic manufactures, did they not point to that part of the proceedings of the Convention which formed this constitution, in which the power to promote and encourage the useful arts, &c., by bounties, was expressly refused to you? Did they not tell you that the rights of property of one part of the community were invaded by an iniquitous taxation, for the benefit of a smaller part? Sir, the just philosophy of Burke, in regard to the people of England, is true as it respects their descendants. That the notion of liberty is not a pure abstraction; it attaches and adheres to something tangible, and susceptible of sensation; that, as personal rights were secure in that country, the vigilance of this sentiment was directed to property and taxation. And let me tell you that, in this country, it exists with an intensity which will always be felt whenever you attempt injustice in your burdens.

Mr. BURGESS said he had risen to state what was the real question before the House; for, after all that he had heard, this seemed to be necessary. The true and only object of the bill was to give to the manufacturers of woollen goods the protection that was intended for them by the act of 1824; but which they had failed to receive, owing to the evasions of that act. He could not conceive how so simple an object as this came to be connected with the ratiocinations of Mr. Burke, with the progress of the caravans in Upper Asia, the achievements of the heroes of Hounslow Heath, and a variety of other subjects which appeared to dance and gambol through the imaginations of some gentlemen. The discussion of the bill involved a mere calculation on the value of property, and was no more calculated to produce any excitement, than a common sum in reduction or subtraction. He could not conceive what there was in the locality of these manufactures—what there was in the fact, that that locality happened to lie between certain parallels of northern latitude, to make gentlemen delight to say that the question involved in this bill was

so very serious—that it was highly dangerous—in a word, that it was a monstrous question. If other gentlemen chose to bring in bar iron, and pig iron, and a variety of other articles which seemed familiar to the imaginations of some gentlemen, he could not help it—the Committee on Manufactures could not help it—it was not their project, and they were not justly answerable for objections which did not belong to the bill as they reported it. The manufacturers of woollen goods had presented the subject of the bill in various memorials laid before the House; and the question was, whether the House was to postpone for a whole year the consideration of the subject, because certain gentlemen, not authorized by their constituents to do so, had suggested that other branches of manufacture were suffering in the same manner? Was the House to wait a whole year for grievances? Gentlemen had referred to our great commercial emporium. Was the House to be told that that great city did not understand her own interests? Or would it be pretended that the merchants of New York were not apprised of the steps which had been taken in this matter? Yet, although sixty or seventy hours were sufficient to take to them the knowledge of our proceedings and to bring back the declaration of their will, not a memorial or a remonstrance had been received from that city in opposition to this measure. To such a remonstrance, Mr. B. said, he should ever listen with the highest respect, as he was well aware, not only of the wealth, but of the intelligence which prevailed in that city. But he could not, for one, believe that, on a subject like this, the merchants of New York were asleep; and if it was indeed true, that the interests of commerce would suffer so materially from the passage of this bill, they would have let the House hear from them long before. He spoke of the merchants at large, for he believed that a better knowledge of the principles of political economy was to be found throughout the country generally, than among a few importing merchants, who looked only to their own immediate profit. The effects of such a measure were not to be estimated from any sudden consequences it might at first occasion. In all progressive systems, you must allow at least 20 years for their practical development; and if, in that time, they shall not have injured, but, on the contrary, benefited the country, their true character is to be estimated accordingly.

Mr. STEVENSON, of Virginia, said that he did not intend to enter, at this time, into a general discussion of the important principles embraced by this bill. He rose simply to state, in a very few words, why he should vote for the motion to discharge the Committee of the Whole on the state of the Union from the further consideration of the subject. The question before the House, Mr. S. considered, was one rather of expediency than of principle. The motion had been submitted, with the single view of

ascertaining distinctly whether the House were prepared to discuss, at this session, "the principles and policy of the tariff." This was the only question now to be decided. If gentlemen were determined to enter upon the discussion of the subject, and to persevere to a final result, he admitted they ought to vote against the motion, and to retain the bill in the committee; if, on the contrary, the House thought with him, that it could not be fully and fairly discussed and acted on at the present session, he hoped the motion would prevail; that the committee would be discharged, and the bill laid upon the table for the remainder of the session. Did gentlemen seriously believe that there was any probability of our legislating, at this time, fully and fairly upon the subject? Was there a member upon the floor who imagined that the single interests of the woollen manufacturers, which was alone embraced by the present bill, would, or could be considered, apart from the other branches of national industry, and the great interests of the country? Did they believe that the Representatives of those portions of the Union whose interests were more immediately and more deeply affected by the provisions of this bill, would sit silent, and consent to its passage, without vindicating the interests of their constituents, and demanding a general discussion of the whole subject? It was not to be expected. This bill, Mr. S. said, disguise it as you will, is most obnoxious and unjust. It was infinitely more so than the one of 1824, under which the southern and southwestern country were now bleeding at every pore. Could gentlemen hope to drive on by detachment, this protecting duty policy, to the utter ruin of the other interests of the country, and expect no opposition? It was impossible! It was in vain to preach up conciliation, if this fatal policy, this political colossus, which is to overshadow and reduce a portion of us to beggary, is to be persevered in and adhered to. It must beget division and hatred, and interrupt the harmony and peace of the Union.

Sir, do gentlemen believe that a subject of this character, one which, two years ago, agitated so deeply the whole country, and roused into action all its rival interests—a subject which affects not only the commerce and political economy of the country, but the liberty of property itself, and the very principles of the Government—will be permitted to pass without full and free discussion, and the strongest resistance? Are we again to have the scenes which divided and distracted us in 1824? Do we not know that, after eight weeks' discussion, the present tariff passed this House by only a few votes? That upon the great question of the woollens, the House was equally divided, (I believe 98 and 98,) and that at last it was settled by compromise and concession between the two Houses? Have we time, and are the House prepared for this state of things at the present session? He thought not. Was it not injurious too, Mr. S. said, to attempt to



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discuss it, unless we intended acting finally upon the subject? Would it not be productive of serious mischief to the commercial interests? He appealed to his friend from New York, on his left, (Mr. CAMBRELENG,) so deeply versed in commercial knowledge, and whose opinions commanded so justly the high commendation of the House, to know if the discussion of this subject, even for a week, would not produce speculations to the amount of many millions of dollars? Was it right to hazard such consequences? Did it comport with the dignity and justice of the House, and with a fair course of legislation? He thought not. Would it not be better, Mr. S. asked, if a revision of the tariff is deemed necessary, and demanded by the manufacturers, to let it rest until the next session; to bring then fairly before Congress the whole subject of free trade and national industry, and let the next Congress, just from the bosom of the people, discuss and settle the question. Such a course Mr. S. thought much the more desirable. He presumed it was with this view his friend from Pennsylvania (Mr. BUCHANAN) offered his resolution the other day. It was calculated to heal, rather than inflame, our differences, and would be the means of bringing to the ultimate decision of the question, the high sanction of calm, deliberate, and dignified legislation. He hoped, therefore, the motion would prevail; that the committee would be discharged, and the bill laid upon the table, not again to be called up during the present session. It was due to the nation, and to the House, that this should be done; and he appealed to the friends and enemies of the bill to unite in this course.

Mr. STEVENSON, of Pennsylvania, said, after so much remark upon the bill reported by the Committee on Domestic Manufactures, he might, perhaps, as a member of that committee, be allowed to say a few words in explanation of his opinion of the bill, and of his views in voting against the motion made by his respected colleague. You are aware, said Mr. S., that the Committee on Domestic Manufactures had several memorials referred to them by the House, representing the depressed state of the woollen manufactures, and requesting the attention of Congress to the subject; setting forth, amongst other causes of their languishing state, that the spirit of the present tariff was evaded, and that they were sufferers by the violation of existing laws. To correct the evils complained of, the petitioners urged the adoption of a minimum valuation for woollen goods, and the assessment of the duty upon such minimum. I agreed with the majority of the committee as to the principle, and it was adopted. The next point was to settle the minimum prices, and, in doing this, I thought that too high a rate was, in my opinion, required, and voted with the minority. I regretted that so high a rate was settled, believing it unjust, as regarded the general interest, unwise as it related to the manufacturers. It was calcu-

lated to produce an impression unfavorable to the general purpose of the bill, and thus to defeat the whole design. I still, however, trust, that, after the discussion which has taken place, if we go into committee, those who advocate, and those who resist the bill, as it stands, may come to some better understanding, and that something may be effected, not too exorbitant on the one part, nor oppressive on the other. I cannot consent to vote for the bill as it stands. It imposes, in fact, an increase of 200 per cent. on the cost of a certain grade of goods, used principally by the poor, and an average increase of more than 50 per cent. on the part of the present tariff. If the bill should go to the Committee of the Whole, I do not despair of such facts being elicited as will lead to the preservation of the minimum principle, and an equitable adjustment of its rate, so as to save the manufacturers, without violating the general principles of just legislation. Let us, at least, do justice to ourselves, by acting upon the subject without prejudice and without passion. On the motion before you, I do not think proper to go into the general merits or demerits of the bill. Let that be reserved for its proper time. At that time, I trust that I shall be able to show that the extent to which I shall be willing to go, may be done with perfect justice to the several parts of this Union, after due reference to their various interests; and I pledge myself to never form one of a majority to do that, as regards this nation, that has not the fullest sanction of what little of the light of reason has been given to me. I voted against the motion of my colleague, although I apprehend he will finally be found to have proposed a course which would have saved the time of the House from being wasted on a bill that cannot be matured into a law during the present session.

Mr. McLANE, of Delaware, said he was opposed to the motion to discharge the committee, for some reasons which, perhaps, were peculiar to himself. Although he was, and ever had been, an advocate for the tariff system, he was not prepared to say that he could vote for this bill in its present shape; although he was prepared to co-operate in modifying and improving it. But because he was opposed to the bill in that particular shape in which it had been presented by the Committee of Manufactures, it did not follow that he must shun the investigation of the subject, and not give to it its full and just share of consideration, if the time allowed. He would now inquire what would be the true effect of the present motion. The ground on which it is urged, is, that the House has not now sufficient time to inquire into the subject; and many gentlemen disposed to vote for the bill, are unwilling to postpone it on this ground. But the effect of the motion, whatever may be the intention of its mover, will certainly be to defeat the bill, and thus to deprive the country of the benefits derived from an adequate protec-



tion to this valuable branch of our manufactures. The consideration of the bill, at this time, is resisted on two grounds: First, it is said that it will produce excitement, by striking at the vital interests of the country; and, secondly, that it is not sufficiently comprehensive, and does not embrace a sufficient number of objects to be protected. Mr. McL. said that none could deprecate more than he did any cause of excitement in the country; but, if excitement is to be produced by the discussion of this bill, it must be because it is inseparable from the subject itself. If it arise at all, it will arise whenever the subject is brought up. But why, asked Mr. McL., is this excitement produced by it at all? It arises from a mistaken opinion, that the interests of the different parts of the great national community are distinct from, and opposed to, each other. I do not believe this, and, therefore, I am in favor of the policy; but, so long as an opposite opinion is held, the seeds of excitement will be here; the same causes of it will exist at the next session which exist now, and they will probably rather increase than diminish. As to the other objection, that the bill comprehends only one object to be protected, I am in favor of its consideration now, for this very reason; it is simple—it is brought to one point, and confines itself to a single object, which all can comprehend. Heretofore, on the contrary, it has been usual to include many different objects in the same bill, in order to carry some one prominent object of policy through the House. Now, I am entirely opposed to this species of legislation. I disapprove of legislating by compromise. Either a particular branch of industry requires protection, or it does not. If it does not, nothing should induce the House to protect it; but if it does, let it be fairly presented to the House, and clearly understood, and then let it receive that degree of protection which it merits. But I protest against the system of compromise. It is a system of injury. Here we have a single object before us: the petitioners say that an important branch of domestic manufactures is now in danger of being wholly prostrated by foreign competition. Now, it is surely easier to comprehend the subject, and to judge if their statements be true, than if all the different objects which different gentlemen may suppose to need protection, had been taken up with it and included in the same bill. I at least confess that I am more able to understand it, and I am in favor of considering it for the very reason that it excluded the principle of compromise. We may at least go into Committee of the Whole, and modify the bill; and we can as soon discover in committee as we could in the House, whether it is likely to be put into such a shape as finally to pass.

Mr. DAVIS said that the discussion had taken a much wider range than could have been anticipated, by any one acquainted with the true nature of the bill. Gentlemen, however, had

entirely mistaken the character of the measure. Both the gentleman from Pennsylvania and the gentleman from Louisiana, had wholly mistaken the principle on which it was founded. The Committee on Manufactures were told that very extensive frauds were practised at the custom houses, by which the protecting duties on domestic cloths were evaded, and the intentions of the law of 1824 practically defeated, and rendered of none effect. They were asked to apply a remedy, and they esteemed it of great importance to do it. It was obviously in vain to increase, with this view, the *ad valorem* duty: for, however it might be increased, the same evasion would still be practised. Being convinced of this, the Committee on Manufactures considered what else could be done, and they adopted the minimum principle, as the only remaining expedient. Yet, to make a regular ascending scale of minimum prices, with small differences between them, would open a door for precisely the same frauds: for every foreign manufacturer, whose goods were in reality above any one of these minimum prices, would endeavor to introduce them as below it; and there was no guard against this, but to make the space between the prices so large as to render this impossible. The committee are fully aware that the space between 40 cents and 250 cents is great; but they were also aware that goods of the intermediate value are already supplied, and can be made in sufficient quantities fully to satisfy the market. Had they interposed an intermediate price, none of the existing difficulties would have been remedied. The motion of the gentleman from Pennsylvania proposes delay—but what is it that is to be delayed? The protection of property to the amount of 100,000,000, which is now jeopardized and suffering by fraud. The memorialists tell us, their property is suffering—is sinking. Must we wait till it is sunk, till it has perished, and then come here next year to legislate for its protection? Is this our duty? These same memorialists are our countrymen—our constituents. So much comity, at least, is due to them, as to inquire whether the statements they have made are true. It is said, that there is a want of time to consider the subject, and to derive the information necessary to act upon it. Is the subject new? Is this House taken by surprise? If it is, I am as ready to agree to delay as the gentleman from Pennsylvania—but the fact is not so. This subject has been publicly agitated for months before we met. It has been largely discussed in the public papers. Meetings have been held, and memorials have been published, with notice that they would be presented to this House. Those memorials have followed us here, and have been heaped upon our table from day to day. They have been referred to a Standing Committee of the House, and a bill has been reported, two weeks ago—printed, and laid upon the tables of the members. Can we now be told, that this is a new subject?

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That the House knows nothing about it? That it has been taken by surprise, and has not now time to come to any understanding of the matter? Was not this very subject discussed in 1824? and, if farther facts are necessary, is there not abundant time to obtain them? The objection, then, from the shortness of the time, is not worthy of regard. What subject of greater moment is on the table of the House? Not only the manufacturers, but all the growers of wool—not only the manufacturing, but the agricultural interest, have a deep interest in the bill. They are our constituents—they cry to us for relief—I hope we shall not be deaf to their entreaty.

Mr. CAMBRELENG said that the vote just taken furnished another evidence of the impetuosity with which the friends of the bill were disposed to force it upon the House. The gentlemen tell us about frauds, said he, but say nothing of how they are committed. They say their object is not to increase the duty, but only to secure the collection of the duty. I have listened attentively to all they have advanced, and I cannot say less than that, in my judgment, the House is imposed upon, if that is thought to be the object of the bill. The very discussion of the subject has a ruinous effect. If this debate goes on for one week, speculations will take place in woollen goods to the amount of millions of dollars. The object of the bill is prohibition—nor is there any thing in the bill, either in its form or substance, which will operate to ensure the collection of the revenue. It goes, on the other hand, to annihilate the revenue. If, however, the House is determined to go into the question, I am prepared to meet it; yet, with all deference to the honorable gentleman from Delaware, I must tell him that I would rather take the Tariff of 1824, with all its compromises, than the bill now proposed. That whole Tariff bill was nothing to this; with all its various and multiplied provisions, it did not affect the country half so much as this bill will affect it. I call on the Committee of Manufactures to tell us, for they have not yet told us, how much duty it is that they intend to put upon these goods. I ask, how much per cent. upon the price their new duty is intended to demand? We have no report—no calculation. When the Tariff bill of 1824 was brought into the House, the gentleman from Pennsylvania, who was then Chairman of the Committee of Manufactures, (for whom, however I may have differed from him in opinion, I ever cherish the greatest personal respect,) gave to the House a statement, exhibiting, in one column, the existing duty, and in another, the duty proposed. This afforded the House some data to go by—it enabled them, in some measure, to judge of the effect of the bill; but now we have not one item to guide us.

[Here the debate closed for this day.]

TUESDAY, January 23.

*Duties on Wool and Woollens.*

The question pending before the House being on a motion of Mr. BUCHANAN, of Pennsylvania, to discharge the Committee of the Whole on the state of the Union from the farther consideration of the bill for the protection of Woollen Manufactures—

Mr. DWIGHT said he thought there were some positions taken on yesterday by the honorable gentleman from New York, (Mr. CAMBRELENG,) which required particular notice; and he felt himself inclined to examine these positions with more particularity, since they came from a quarter which might be supposed to carry no ordinary degree of sanction. And that was from the city of New York—the great commercial emporium of the Union.

The honorable gentleman still insists that the Committee of Manufactures were imposed on. By what power, from what source, he would ask? Were they not composed of enlightened men, selected from the different quarters of the Union, for their particular fitness for the duties of the station? Had they not made a most elaborate investigation of the evil which the petitioners wished to have redressed? and had they not, after great deliberation, reported the bill upon the table, to mitigate, or, perhaps, totally to avoid that evil? But the honorable gentleman had asked, where were the detailed and specific statements of the chairman of the committee, upon which the House and the nation could form their opinion of the propriety of the measure proposed? One of the strong reasons, he confessed, which operated upon his own mind, to induce him to oppose discharging of the Committee of the Whole from the further consideration of the bill, was, that, as yet, no opportunity had been offered to the honorable Chairman of the Committee of Manufactures, to go into an explanation, in detail, of the operation of the several provisions of his bill; and yet, the honorable gentleman from New York, while he refused that opportunity to explain, would fain present, as a ground of complaint, that no explanation had as yet been made. The committee had stated, in the general, the strong and unanswerable grounds upon which the bill was founded, to wit: that frauds to an alarming extent had been committed upon the revenue—frauds which, while they diminished the receipts into the Treasury, operated most extensively to embarrass that invaluable branch of our home industry—the woollen manufacture. But he has said, sir, that this affords another evidence of the precipitancy with which the House was disposed to rush into legislation. Where, sir, he would ask, is this evidence? Was not the half of that period which the law has devoted to the annual legislation of this great country, sufficient to mature a set of provisions by which the established principles of our national policy were to be carried into execution? Had not the Tariff of 1824, after the fullest discus-

sion, settled the extent of protection, which the nation were willing to afford to this branch? and were we not, in good faith, now called upon to guard that protection against the evasions complained of? If this was precipitancy, to discuss a bill after six weeks of maturing in committee, and before the House; where could be found the evidence of our deliberation? What would become of the bill for occlusion of the British colonial ports?—a measure of so much importance that it may involve us in all the calamities of war with the most powerful nation of Europe. And yet, if he was not mistaken, the honorable gentleman himself was one of that committee, who proposed a prompt and decisive action of the House upon the bill alluded to. If this is precipitancy, sir, we may as well adjourn at once, and say that a three months' session is too short for deliberate legislation. For his part, he thought that no haste, consistent with a competent understanding of the subject, was too great, where you were called upon to legislate for the relief of a branch of industry which employed 70,000 of the people, and 50 or 60 millions of the capital of your country. The very facts stated by the honorable gentleman, went far to show, that no such opposition or alarm existed, in regard to the measure, as he had attempted to show. He had written, it seems, a dozen letters to New York, and to but one of them he had received an answer. And what, sir, is the inference? Clearly, he presumed, that the interest taken in the question among the enlightened merchants of New York was not such as the gentleman had declared. And, when you are informed that four-fifths of the importing woollen trade in our own ports, is in the hands of foreigners, there is an obvious reason why the gentleman's correspondents are indifferent to the measures which are adopted to prevent impositions under it. The honorable gentleman has made the extraordinary assertion, that this measure is of more importance than all the Tariff of 1824. What, sir, is a bill, affecting at most the duties to be collected on four millions of woollen goods, to be compared with the great system by which articles yielding a revenue of twenty millions, were laid under new and increased duties? The gentleman could not seriously intend such an assertion. A change of duties upon almost the whole imports of a country, to be compared with a change which only affected the low-priced broadcloths and kerseymeres!

Mr. HALE stated, that nothing but an imperious sense of duty could have induced him to submit any remarks to the consideration of the House. We are now discussing the propriety of discharging the Committee of the Whole from the farther consideration of this bill. We are not prepared to enter upon its merits at this session. It is well known that the State he had the honor to represent, was not represented upon this floor at the last session of Congress; consequently business of much in-

terest to that State was not acted upon. No one conceived that this measure would be seriously agitated at this session. The opinion has prevailed from one extremity of the Union to the other, that this session would be exclusively devoted to business—business heretofore presented to this House, and which had not been acted upon at the last session. So far as the public prints are any evidence, they generally indulged in the hope that no subject would arise calculated to produce excitement, and have a tendency to consume that time that ought to be devoted to subjects that have long slept upon your table, and are likely to share a similar bad fortune, if this bill is taken up. The question addresses itself to this House, whether all the variety of bills now upon your table shall yield precedence to this; whether measures of essential importance to this country, shall lie over another session, to give consideration to this bill; whether we shall be taken by surprise and forced into a discussion, without information from the Treasury Department, or from any other source, as to the effect of this measure upon our revenue—and without being fortified with information from our constituents. Courtesy should dictate to the members who urge this measure, that something is due to other sections of the country. Bills of great magnitude are yet to be acted upon. Sixty or seventy private bills lie upon your table. Mr. H. said we are bound to do justice to individuals who have waited year after year for the settlement of their just demands against the Government, so long withheld from them. The bill for the gradual increase of the navy; the appropriation bills; the bill for the removal of the Indians west of the river Mississippi, is yet to be acted upon—a measure of deep interest to the new States—a measure of great importance to the State he (Mr. H.) represented. A bill for the graduation of the price of public lands, remains also yet to be acted upon—besides other measures of deep interest to the welfare of other sections of country. Mr. H. further stated, that he had no doubt, and it must be apparent to every one, that this measure, if taken up, would consume the remainder of the session. Mr. H. appealed to the generosity of the House, to say explicitly whether other sections of country should not be heard at this session, upon other subjects of as deep interest as the one now proposed. The House, said Mr. H., ought not to be hurried into this measure. It is not called for by the expression of public opinion. In fact, the Southern people did not dream that this measure would be seriously urged. Mr. H., in conclusion, stated that he was fearful, if this measure was taken up, the balance of this session would be consumed in debate; and other business of great importance would share the cold neglect it met with at the last session—he, therefore, hoped the committee would be discharged from the further consideration of the subject.

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Mr. MITCHELL, of South Carolina, said that the friends of the bill were unnecessarily protracting the debate. The Chair had stated that the real question before the House was, whether the bill should remain with the committee, or be put to the House? The enemies of the bill had supported the discharge of the committee, with a view to its final postponement. If that question were put, the House would then decide on its course, either to discuss the bill on its merits, or otherwise to dispose of it. Such a decision would relieve the public mind from its anxious suspense, and prevent those fatal speculations which the gentleman from New York (Mr. CAMBRELENG) had yesterday anticipated. Mr. M. said he had taken different views of this question from those who agreed with him in opinion. His opposition was not so much to the increase of the duties on woollens. He thanked God that, exorbitant as they were, the laboring poor could pay them. We lived in a land where subsistence was cheap and employment abundant, and where every industrious man, no matter what his pursuit, could supply himself with the comforts of life. We are not reduced to such a state of wretched impoverishment as that industry should want the means to pay revenue. But his objections were of greater importance, and demanded the most serious attention. The bill presented two principles, which, if adopted, would completely alter the character of our internal and external policy. In one of these principles, it differed from the Tariffs of 1789, of 1816, and of 1824. They taxed the consumer in proportion to the value and quantity of the articles which he consumed. He who enjoyed most was to pay most. This was all right. It operated equally on all classes, and left each at liberty to pay so much of the duty as he pleased, or could afford. But the bill proposes the reverse of this. It taxes the poor and exempts the rich; it throws the whole burthen of the duty on the productive laborer, while those who enjoy wealth and luxury, and are mere drones in the hive, are relieved from its exorbitancy. This was contrary to every principle of taxation and sound policy. If it was right with regard to a tax on consumption, it would be right with regard to a tax on property. But, is the House prepared to say, that they would adopt it in the assessment of direct taxes? Would the people submit to an imposition of the kind? There they could see and feel it. They could compare what they paid with what others paid. Here they cannot. But the bill goes further. It affects our foreign relations, and makes a direct attack on commerce and navigation. It is admitted that the duty amounts to a prohibition—to an exclusion of the foreign article from our markets. And are we prepared to jeopardize or limit those great interests? Gentlemen had said that the bill was intended merely to prevent the frauds practised under the Tariff of 1824. It was no such thing.

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This was a mere pretence. It increased the average duty from 33½ per cent. to 50 per cent. The manufacturers had petitioned for an increase to 80 per cent. They wished to exclude all foreign competition—to monopolize the home markets. Mr. M. said he was anxious that the House should proceed to a decisive vote.

WEDNESDAY, January 24.

*Deaf and Dumb Asylums.*

Mr. WURTS moved the consideration of the bill for the benefit of the New York and Pennsylvania Institutions for the Deaf and Dumb, which bill had passed through a Committee of the whole House, and now lay upon the table. The motion prevailed—ayes 59, noes 58.

The Chair stated the question pending, to be on an amendment proposed by Mr. WHITE, Delegate from Florida, to the proviso in the bill, the effect of which was to require that the land granted by the bill to these institutions, instead of being reserved to them for five years, should be exposed to sale by the Register and Receiver, at the first ensuing sale of public land.

Mr. WURTS had hoped that the gentleman from Florida would, on reflection, have abandoned his amendment. The situation of these institutions (he could answer at least for that in Pennsylvania) was such, as would induce them to avail themselves of as speedy a sale as possible of the lands which might be granted them without incurring an entire sacrifice. He could not, to be sure, expect that the gentleman from Florida would rely on this assertion as a sufficient guarantee. That gentleman had urged, and not without an appearance of reason, that there were two grants already within the limits of his Territory, the lands in which were withheld from market, to the injury of the settlement of the country. But this objection did not apply to other Territories, which were much more extensive, and which afforded ample space for the contemplated grant, without any injury whatever. And, if the gentleman would so modify his amendment as to make it apply to Florida alone, he (Mr. W.) would not oppose the amendment in that shape. He expected this much from the sincerity of the gentleman, as he had professed himself friendly to the general object of the bill, and opposed only to its operation within his own Territory.

Mr. WHITE replied, that he should have no objection to the general measure, provided the interests of that Territory which he had the honor to represent, were secured from injury. But that Territory was the most exposed frontier of the United States; and although it contained much land of the first quality, yet, it was notorious that the good land did not lie in large bodies, but was scattered through different parts of the country. If a grant to the amount of that contemplated in the bill should

be withheld from market for five years, it would be productive of very injurious consequences. One large tract had already been granted within that Territory to General Lafayette, and another to the Deaf and Dumb Asylum of Kentucky. If the United States chose to proceed in this course of legislation, it was not for him to say any thing against it. All he wished was, such a modification of the bill as should fix the location of any further grants elsewhere than in Florida. The people of the Territory complained very heavily of what had already been done; and he earnestly hoped that Government would not continue to multiply these grants among them, till all the good land which remained should be taken up.

Mr. POWELL inquired of the Delegate, the existing value of lands in that Territory, and what would be the value of a township, if now exposed to sale?

Mr. WHITE replied, that, from the nature of the country, it would be very difficult to get an entire township consisting throughout of good land. The sales of the public lands were at from one dollar twenty-five cents to five dollars, and portions of the good land now sold as high as six and seven dollars. The value of a township would depend entirely upon where it should be located.

Mr. GOVAN saw no reason why the States of New York and Pennsylvania should have any preference in this matter, and wished to move an amendment to the bill; but the Chair pronounced the motion out of order until the House should have decided upon that now before it.

Mr. WHITE modified his amendment by inserting the words "and if any of the said lands shall be located in the Territory of Florida, then," &c.

Mr. MCCOY said that the desire of the Delegate from Florida to protect his own Territory was very proper, and, if the bill must pass at all, he thought it ought to pass with that amendment. It appeared to him, however, that the Congress of the United States was fast getting down to be a mere corporation for local purposes. If he were not opposed to this grant in every shape, he should move to amend the bill by substituting "a sum of money" for "a tract of land." Names, indeed, might sometimes change things, but the object of these petitioners, and of the bill, was money. But where could the authority be found, which empowered Congress to make grants of money, or of land, which was but another name for money, to this and to that corporation, or to this and to that individual, as a gift? If this was the doctrine maintained, he thought it would be a saving of time to go directly into a provision for all the poor of the country, and to divide among them at once, not only all the public lands, but all the money in the Treasury, and not to be preferring, as they now were, certain favorite corporations before others. He should be very glad if the House could

agree to dispense with the bill altogether—but if they could not do this, then he should be in favor of the amendment of the gentleman from Florida.

Mr. CONWAY, the Delegate from Arkansas Territory, said he should prefer having the provision made general, and not let the benefit of the amendment be confined to Florida alone. If the House should reject the present amendment, he would then offer another, which he had prepared with this view.

Mr. WURTS said, although he had no objection to the amendment of the gentleman from Florida, as now modified, yet he should certainly prefer the bill without any amendment at all, and he should rejoice if the House should reject every amendment which altered the provisions of the bill. In assenting to the amendment as modified, he had been governed only by a desire to accommodate the Delegate from Florida.

Mr. WHITE said, if this amendment should not prevail, he must protest against the bill altogether. It was calculated to do great injustice to the Territory of Florida. If this policy should proceed, all the best lands in that country would, by degrees, be covered with grants from without; the lands of which would not be sold in the mode prescribed by law, but would be held up by private corporations, and companies. Why must this particular Territory be selected for every grant of this description? The inevitable effect of this system, would be to prolong the periods during which the Territory must be kept in servitude. He asked if it was just; if it was fair to pursue such a course in relation to one particular Territory, and that the most exposed frontier in the Union? To the south, were the Seminole Indians—to the north, the Creek tribes—on the east, the Atlantic—and on the west, the Gulf of Florida. If any Territory needs to be strengthened by population, this Territory had a pre-eminent claim. But, if grants were multiplied upon grants, and all the good lands were tied up in the hands of private companies, and literary institutions, when would it be peopled? and when would it ever reach the privileges of a State? Mr. W. here repeated and insisted on the arguments he had before urged. The grant to the Kentucky Asylum had been pressed in the Senate, where the Territory had no Representative; and thus the bill had passed into a law. The grant to Lafayette, in the immediate vicinity of the seat of Government, left a district of six miles square a perfect wilderness. The bill proposes to give twenty-four thousand acres. To take that quantity of good land in any one spot, would completely break up a neighborhood, and hinder its settlement for a long period of time. He presumed that it might be granted in Arkansas, or Michigan, without a like injury.

Mr. VINTON insisted that the effect of the amendment would be not to keep their lands open for the improvement of the actual settlers,

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but, on the contrary, to throw them into the hands of speculators, who would withhold them from settlement much longer than the time contemplated by the bill. The amendment says that the land should be disposed of by the Register and Receiver at the first sale of public land. Now, it was notorious to all persons acquainted with the affairs of the public lands, that at those sales, 10, 20, and even 40 times as much land was thrown into the market, as was actually sold. The inevitable consequence of offering these lands at such a sale, must be their entire sacrifice. They were limited by no minimum price, as the public lands were. They were not sure of bringing the dollar and a quarter. They might sell for ten cents or five cents an acre, should no more be offered; and the persons who thus purchased them would hold them back from settlement for purposes of speculation. For his part, he could see no reason why the grant in this bill should be located in any of the Territories. He had no objections to its being fixed in the State of Ohio, for he did not consider it as at all operating to keep down the settlement of the country. So far from objecting to the allowance of five years for the sale, his objection, on the contrary, was, that the land was obliged to be sold within that time. All persons acquainted with the state of our new lands, knew that, in the oldest districts, even in the State of Ohio, there were more lands in market than could be sold in thirty years; he admitted that if, in the natural progress of settlement, the lands granted were likely to be taken up within the five years, the argument of the gentleman from Florida would apply. But such was not the fact. The progress of settlement was far from being so rapid. A compulsory sale, even at the end of five years, must result in a sacrifice. But gentlemen had every security against unnecessary delay. The interest of these institutions would induce them to make sale of their lands as soon as practicable; while, so long as they remained unsold, they were subject to taxation, and were only a burden instead of a benefit: this matter had been fully tried in the State from whence he came. Reservations had there been granted for the support of schools, and no efforts had succeeded in making them of any value to that end; insomuch that the State had applied for leave to sell them, and they had actually been sold. It was next to impossible to rent lands in a new country. No man would consent to settle as a renter, who could, by a little labor, attain the fee simple of the soil. The institutions, therefore, would be glad to sell their lands as soon as they could obtain a reasonable price.

The question was now taken on the amendment of Mr. WHITE, and negatived.

Mr. GOVAN said he was opposed to this species of legislation; but, if the House determined to go into this system, he wished, at least, to make it as general as possible. With this view, he offered an amendment, the effect

of which, if agreed to, would be, to include in the beneficial provisions of this act, the Lunatic Asylum at Columbia, in South Carolina.

Mr. BARTLETT thereupon offered the following amendment to the amendment of Mr. GOVAN:

“And to such literary institutions in every other State in the Union as such State shall direct.”

Mr. TAYLOR, of Virginia, objected to the latter amendment, because it went to include States which had already received their township of land.

Mr. OWEN said he was opposed to this policy; but since it seemed the determination of the House to pursue it, he thought that the same provision ought to be made for all institutions of this character which already existed, and for those hereafter to be founded; for if Congress waited till these Seminaries should actually have arisen in all the States, the good land within its control might, by this time, have all been disposed of.

Mr. WURMS said that the proposition of the gentleman from New Hampshire was founded on the assumption that the grants contemplated by the bill were for the benefit of the States within which the institutions happened to be located. This was not the case; and he would not vote for the bill on any such principle. The bill was not for the benefit of the States of Pennsylvania and New York, as States, but of an unfortunate, destitute, and helpless portion of the community, within a particular section of the Union. And he would remind the gentleman from New Hampshire, that, for these unfortunate beings within the six New England States, (one of which he represents,) ample provision had already been made, by a grant similar in character to that now asked for. It would be mere folly to establish institutions of this description in each State of this Union; and it would be still worse to make grants where there are no institutions in existence; and he apprehended that the gentleman from New Hampshire would be of the same opinion, if he had thoroughly examined and reflected upon the subject. In Pennsylvania and New York they already exist, and are extending the benefit of instruction so far as their means will enable them to do it. He did not know how far New York had made provision for the education of her own indigent deaf and dumb; but it was to the honor of Pennsylvania, that she appropriated the sum of eight thousand dollars, annually, for this laudable and beneficent purpose. Here, then, were institutions already in existence, and through them the benefits of this grant would be extensively diffused. But let us not volunteer our bounty where private charity has done nothing for the creation of an institution. Before we make a grant, let us see a foundation laid—let us see an institution in full operation. It was a well-known fact to those who had had the opportunity of obtaining practical knowl-

edge on the subject, that private benevolence must conspire with the public bounty, in order to produce a beneficial result. Individuals, acting from humane and charitable motives, must give their time, their attention, and their labor, to the object, otherwise an institution for the education of the deaf and dumb could not flourish anywhere; and where private charity has not thus been already at work, there is scarcely any reason to hope that it will be called into operation by our bounty. He had said that ample provision had been made in the six Eastern States for the education of this truly unfortunate class of the community. He would show this fact, and not ask the House to take it for granted. A grant of land had been made to the institution in Connecticut; and, on the principle on which he sustained this bill, he considered that grant as made, not for the State of Connecticut, but for the benefit of the indigent deaf and dumb within those States. Now, what was the number of the deaf and dumb within those States? It could be ascertained with something like certainty, at least with all the precision necessary to a proper understanding of the claims of other portions of the Union to a similar appropriation.

Mr. BARTLETT said he regretted that the gentleman from Pennsylvania (Mr. WURTS) should have thought proper to declare, so unqualifiedly, that the proposition contained in the amendment he had offered was folly—consummate folly. [Mr. WURTS explained.]

Mr. B. observed that it gave him pleasure to learn from the gentleman, that there was an escape from the judgment he had supposed was pronounced, inasmuch as an opinion from so high an authority might have given to his amendment a character which he hoped it might not deserve. The gentleman had said, that he did not understand the subject. He confessed that he had not expected, at that time, that the attention of the House would have been called to it, but he hoped that his understanding of his own proposition would save him from the error into which that gentleman had fallen respecting it. The gentleman had said it was folly to propose appropriations for institutions for the deaf and dumb in States where they do not now exist. Whatever, said Mr. B., may be the character of such a measure, that measure is not mine. He proposed no such thing, and the whole course of the gentleman's remarks were entirely aside from the subject. His proposition was not to give to such institutions only, but to literary institutions in the different States. And if there were not in all the States such institutions to receive the bounty, it was time there should be. Why should donations be made to the institutions for the deaf and dumb only? Is it more important that they should be educated than the poor and illiterate, who possess the faculties of speech and hearing? Are they more poor? They are, in all the probabilities of life, the children of as able parents as others.

But we are told the example of this charity had been set. We have given to the institution in Connecticut and in Kentucky. There was a reason for extending aid to the institution in Connecticut, when it was established, which does not now apply. This system of education was then a *new* experiment in this country. There was not sufficient confidence of its success in the community to enable individual effort to struggle against popular prejudice. The Government gave its aid—it has succeeded—and institutions, by private enterprise, upon the principles of other institutions for education, have since been established, and are successful. It is true, also, that, at the last session, we made a like grant to the institution in Kentucky. He remembered the passage of that bill, and, from his own impressions, had no doubt that many were influenced, and he thought properly, by the argument, that Government had aided in the establishment of that kind for the Atlantic section of the Union, while the extensive region west of the Alleghany was unprovided for. It was, in that view, considered an act of justice, with the belief that institutions of that character could hereafter present no peculiar claims to national patronage. He felt not less compassion than others for the unfortunate beings for whose instruction such institutions are intended. And he would not institute a comparison at this time, into the importance of educating them, or such as have the power of speech and hearing; he would only say, that, in the latter, the community have at least as deep an interest.

Mr. CONWAY expressed a hope that the amendment of Mr. GOVAN would not be adopted, as the territories are completely excluded from its benefit, although they certainly had as just a claim as any of the States.

Mr. WOOD, of New York, was opposed to the amendment of Mr. BARTLETT. He said that the grant, if made, will be applied to literary institutions in general; but a grant to different States for this purpose has not been called for. They have not asked it. The bill, on the contrary, is for two institutions actually in existence—institutions fully organized, and in active and useful operation. A large class of children, unhappily deprived of the powers of speech, and of hearing, are in a course of training, and the number received is only limited by the funds provided for their support. There was a wide difference between these children and paupers. It had never been held that the States were under any obligation to educate their deaf and dumb. But it had always been maintained and acknowledged that they were bound to support their own poor. The latter provision, however, was for the body merely, whereas the noble charity to be aided by this bill addressed its invaluable benefits to the minds. It is intellect which is here to be cherished and developed—and the success of such an attempt in respect to those born deaf and dumb, conferred a just elevation where it was



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made. The institutions of this kind abroad were some of the most distinguished, both in France and England. It is not, by any means, proposed to provide gratuitous instruction for the children of the rich. When they are received into these seminaries, they are always received as pay scholars. So far as an appeal is now made to the National Government, it is made in behalf of the poor—for those who, in addition to all the evils of poverty, have superadded the privation of speech and hearing. So sensible had the State of New York been of the importance of providing this species of instruction, than an appropriation had been made for educating a certain number of these unfortunates from each county in the State. But so great was the number of the sufferers, that this provision, though liberal, was insufficient. Gentlemen were greatly mistaken if they supposed that the benefits of the New York Institution were confined to the deaf and dumb of that State alone. Its scholars are received from all parts of the country and of the world. None are rejected whom the means of the institution will allow it to receive. Institutions of this kind were certainly among the most charitable that could be named. They aimed at introducing their unfortunate objects, he would not say to a higher rank in the scale of existence, but to existence itself. Their beneficence was not local or partial, but wide and general as the prevalence of that evil which it sought to relieve. They were in needy circumstances, and the aid bestowed upon them would go, as far as practicable, into immediate operation. But the institutions contemplated in the amendment of the gentleman from New Hampshire, had presented no need—had exhibited no treasury emptied by charity—nay, some of them might not yet be in existence. At all events, they were asking nothing from the House. It was now known by an experience of thirty years, that the views advanced by the delegate from Florida were not correct. The State of New York had made the same experiment as has been mentioned by the gentleman from Ohio. She had made reservations for the benefit of her literary institutions, and that mode of benefiting them had proved, in practice, utterly inefficient and useless. Those institutions had all applied for leave to sell their grants, and had actually sold them. They had proved nothing but a bill of expense on their hands, and they were glad to get rid of them as soon as any reasonable price was offered.

Mr. MARVIN opposed Mr. BARTLETT's amendment, as wholly departing from the original objects of the bill, and opening an entirely new field of legislation. If it should be deemed expedient to give to each State a township of land for general purposes of education, let the measure be brought forward in a separate and distinct form. If, however, he was not mistaken, there was already upon the table a bill which proposed to divide the proceeds of the public lands for this very purpose. When that bill was taken

up, the argument of the gentleman from New Hampshire would be pertinent. At present it had little to do with the original object of the bill. Besides, if any such general distribution was to be made, it ought to have some respect to the relative population of the States: for it was not reasonable to make the same donation to the large States and to the small. The question was, whether the House would do any thing for the deaf and dumb? Connecticut and Kentucky had already received its aid, and, by a resolution of the latter institution, which did honor to its character, all the inhabitants of the valley of the Mississippi were permitted to share in its benefits. In like manner, the institution at New York did not confine its charity to citizens of that State, but threw open its doors to all the world. Mr. M. after passing a just encomium on the liberality of his native State, in making appropriations in aiding this charity, concluded by expressing his hope, that all amendments would be rejected, and the bill passed as at first reported.

Mr. KITTERA had long wished to see the object of this bill brought before the House, and he regretted now to observe that it had found opposers on all sides of the House; yet if he had been rightly instructed, a grant had not long since been made for similar objects, both in the east, and in the west. He asked to be informed, on what ground gentlemen were disposed to deny the same privilege to the centre of the Union. Were these grants wrong? On what principle were they wrong? Was it because the same grants had been made to other parts of the United States? If there was any thing in that objection it ought to have prevailed, but it did not prevail. The grants were made—they were rightly made. These institutions commended themselves to the charities of every man. They had been cherished—warmly cherished, as far as private munificence could sustain them. But private means had proved insufficient. And what do these institutions now ask? Is it that a benefit may be conferred exclusively on New York or Pennsylvania? No, their doors are thrown wide to all, and what they receive, they receive only that it may be distributed to all without distinction. It is out of the power of many of the States to have institutions of this kind, and those in New York and Pennsylvania are open to receive the pupils from such States. Have not they then a right to come to this House, and say, give the same aid to us as you have given to similar institutions in the east and in the west? When the unfortunate deaf and dumb from our neighboring State of Delaware shall come to the institution in Philadelphia, and ask to be received, will you oblige us to say to them—we would gladly receive you, but we have it not in our power! Why is this amendment now presented? Is it because the public lands are at some day to be divided? When are they to be divided? How? To whom? For what? No one can tell. No gentleman on the floor can answer



the inquiry. The object of the amendment, then, must be, to destroy the bill altogether; such, at all events, will be its inevitable effect. Grants, it seems, are to be made to all the States, for Literary Institutions. Literary Institutions! What institutions are they? Have they asked for this aid? Who has authorized the bringing forward this amendment? Who has required it to be brought forward? Nobody. Sir, I trust that these institutions will be suffered to stand on their own application. They have accompanied that application with reasons in support of it. We ask gentlemen to meet those reasons. Will gentlemen say, we refuse this application, because we won't encourage you? Because we do not approve your object? Because we have no power to help you? Or, because, when we helped others in the same situation, we did wrong? Mr. K. concluded with expressing his hope, that the amendment would be negatived, and that the House would vote on the naked question of making a grant to the two institutions which have solicited it.

Mr. BARTLETT now moved to recommit the bill to the Committee on the Public Lands, with the following instructions:

"That the bill be referred to the Committee on the Public Lands, with instructions to inquire into the expediency of making a general provision for grants of land to all the States in the Union, which have not already received such grants, for literary or other public institutions."

This motion superseding the question on the amendment, the question was accordingly put upon the recommitment, and decided in the affirmative—ayes 75, noes 62.

So the bill was recommitted to the Committee on the Public Lands.

FRIDAY, JANUARY 26.

#### *Deaf and Dumb Asylums.*

On motion of Mr. MARKELL, it was

*Resolved*, That the Committee on the Public Lands, to whom has been referred the bill for the relief of the New York and Pennsylvania institutions for the instruction of the Deaf and Dumb, be directed to inquire into the propriety of so amending said bill, as that the same will give to the Central Asylum in the State of New York for the instruction of the Deaf and Dumb, one-half township of land, and one-half township of land to the New York City Institution for the instruction of the Deaf and Dumb.

In reply to a remark of Mr. SCOTT, Chairman of the Committee on the Public Lands,

Mr. MARKELL explained the resolution, as not being inconsistent with that passed yesterday, recommitting the whole subject of the Deaf and Dumb Institutions to the Land Committee.

Mr. HOFFMAN added a few words of further explanation, stating that the intention of the resolution was not to propose any new grant of

land, but as there were two institutions of this kind in the State of New York, it merely sought to have the lands intended for the object, in that State, divided between them.

SATURDAY, JANUARY 27.

#### *Grants to the Quapaw Indians.*

Mr. STRONG, from the Committee on Public Lands, reported a bill to carry into effect the grants of land made by the treaty of the 15th of November, 1824, with the Quapaw Indians; which was twice read.

Mr. FORSYTH observed that the bill appeared to introduce a new principle and a new instruction in relation to Indian reserves. He hoped its passage to a third reading would not be pressed until further time had been allowed to examine its provisions; and with that view he moved to lay it for the present upon the table.

Mr. STRONG said that the bill might no doubt be debated, as other subjects were; but he was somewhat afraid to lay it upon the table, lest it might not again be brought up in time to be acted on. The treaty made with the Quapaw tribe of Indians contained an article which provides that certain small tracts of land, amounting in all, to about a thousand acres, (excepting two sections granted to a chief,) shall be reserved from cession, and granted to certain Indians by name—and the question had arisen, whether it was the intent of the parties to the treaty that these grants should be in fee, or that they should convey only a life estate. In other treaties with Indian tribes, when similar reserves were made, the language was express that a life estate only was granted. But, in the present treaty, no such language was used, and the Commissioner, Mr. Crittenden, under whose negotiation the treaty had been made, testifies that the understanding and intention on both sides was, that these grants should be in fee. A majority of the Committee on the Public Lands were of opinion that this was the proper interpretation. A minority held the other opinion. The committee desiring to carry the real intent of the treaty into effect, had reported a bill for that purpose. He hoped this explanation would prove satisfactory, and the bill be ordered to a third reading.

Mr. FORSYTH said he was not hostile to the bill, but was desirous of having an opportunity to compare the treaty and the bill together. He believed he was correct when he stated the Commissioner of the General Land Office differed in opinion from the majority of the Land Committee. It appeared, therefore, that there was a question in the case. The bill gives certain reserves to Indian chiefs in fee. Now, did they hold of the United States as citizens? or did they hold of their tribe as Indians? He concluded by moving that the bill be laid upon the table and printed.

The motion prevailed, and the bill was accordingly laid on the table.

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*Chickasaw and Choctaw Indians.*

[H. OF R.]

MONDAY, JANUARY 29.

*Chickasaw and Choctaw Indians.*

The House resumed the consideration of the resolution moved by Mr. Woods, of Ohio, on the 25th, and as modified at the suggestion of Mr. VINTON, on the 26th instant.

Mr. POLK remarked that this resolution had been laid on the table a few days ago, on his motion, for the purpose of enabling gentlemen to look into the documents. He had examined them, and did not himself see that there was any necessity for passing such a resolution; but, as the gentleman from Ohio had thought it worthy of his attention to propose such a call, he supposed it was not merely to gratify his curiosity, but that he must have some object in view which he proposed to effect by it. And he called on him to know what use he proposed to make of the information when he had obtained it. Was it intended to furnish any useful information on any subject then pending, and hereafter to be brought before the House? If so, it would seem that all the instructions ever given to Commissioners to negotiate with Indian tribes, from the commencement of the Government down to the present period, were equally necessary. Why call for the instructions given in this case alone? Did the gentleman propose to predicate on this opinion, when received, any legislative proceedings? If so, when the House was informed what that legislative proceeding was intended to be, it might, perhaps, be proper to make the call. If neither of these objects was intended, the call was wholly useless. The House was left to conjecture what the gentleman's object was, and unless he informed them, they were called on to act on his resolution without the necessary information. He would briefly state the facts of this particular case. By the act of Congress, approved on the 20th of May last, an appropriation was made for the purpose of defraying the expenses of holding treaties with the Choctaw and Chickasaw tribes of Indians, for the purpose of obtaining from them, if practicable, cessions of their lands. Three distinguished citizens were appointed Commissioners on the part of the United States, to negotiate with them. They met the Indians of those two nations in council, and every effort made to obtain cessions of their lands resulted in a total failure. The journal of their proceedings, containing all their communications with the Indians, and their answers, in return, had been published, and were before the House. If he had understood the remarks of the gentleman, made to the House when this resolution was before under consideration, the first exception which he had taken to the proceedings of the Commissioners was, that the act of Congress, under which they were appointed, only authorized them to treat with those tribes for the purpose of obtaining cessions of their lands lying within the State of Mississippi, and that the Commissioners had exceeded their

authority, by attempting to obtain all their lands lying east of the Mississippi River, a small and very inconsiderable strip of which it turned out lay in the State of Alabama; and the second exception taken was, the enormity of the price offered to the Choctaws for their country. Now, a general and satisfactory answer to both these exceptions, if they were true, would be, that any treaty which the Commissioners might have made with either of those tribes, was subject to the ratification of the President, by and with the advice and consent of the Senate, before it was obligatory on the Government; and, even if ratified by the constitutional authority, this House, when called on for the necessary appropriation to carry it into effect, would have had a negative on it, by refusing to grant such appropriations.

But were the exceptions taken, in fact true? The first rested on a technical construction of the act of Congress, authorizing treaties to be held, and not in the evident meaning and intention of that act. The object was to obtain the Indian country, all of which lay in the State of Mississippi, except this small strip in Alabama, on which but few, if any of the Indians resided, and which could have been of no value to them, if they had sold all the balance of their country, within the State of Mississippi. It would, therefore, have been simple in the Indians to have retained this small balance. The Commissioners, according to the evident intention of Congress, proposed to treat with them for the whole of their lands on the east of the Mississippi River, including this balance. As to the second exception, the gentleman from Ohio estimates the price offered by the Commissioners to the Choctaws for their country, at five millions of dollars—this, he says, he has found to be the case, "upon calculation;" yes, sir, it must have been "upon calculation:" for it is not to be found in the propositions made by the Commissioners to the Indians. He did not know by what system of arithmetic the gentleman had arrived at his conclusion, but one thing he knew, that he was totally mistaken. He took it on himself to say that it did not amount to one-fourth of that sum. The Commissioners proposed to give them one million of dollars, to be paid in annuities, as every gentleman could see, by turning to the printed documents, for their country, consisting, as near as an estimate could be made, of about 8,000,000 of acres, which would have been worth to the United States, the moment the treaty had been consummated, and they could have brought the lands into market, four or five times the price proposed to be given for it. It would be remarked, that the blanket, rifle, gun, ammunition for hunting and defence, and the one year's provision to each warrior who should remove to the west of Mississippi River, and a few other small articles, were provided for, by the treaty made with the Choctaws at Doak's Stand, seven years ago, by the terms of which a partial exchange of countries was made. And, there-

fore, these items cannot be properly taken into the estimate, in ascertaining the price offered by the Commissioners in their late attempt to treat with them for their lands. He hazarded nothing in saying, that the price offered to these tribes for their lands was much less, in proportion to the value of the country, than that given to the Creeks for a portion of their lands by the treaty concluded in this city during the last year. And yet, the gentleman, although here at that time, had not, so far as he had learned, considered the price paid too great.

But, it had been urged, that the Commissioners had addressed the Indians in the language of threats and coercion; that they had not been treated as a free people, and that they had been told, if they did not willingly do so, they should be compelled to surrender their country, and, in order to ascertain whether they were authorized to hold such language, it was insisted, the other day, by the introducer of this resolution, and his colleague, (Mr. VINTON,) on whose motion it had been amended, that the instructions under which they acted should be obtained. He denied the fact, that any such language calculated to intimidate, and coerce the Indians to the compliance with their wishes, had been used by the Commissioners; but that they had addressed them by arguments, and attempted to convince them of the propriety of yielding to their wishes, in ceding to the United States a portion of their lands; and, to show more clearly the course pursued by them, he read from an address of the Commissioners to the Chickasaw nation assembled in council, as follows:

"But should you still be opposed to exchanging your lands here, for a country west of the Mississippi, your father, the President, has directed his commissioners to say to you, that the interest of his white children makes it his duty to call upon you to sell him a part of your land. His white children never will be satisfied until they have a communication through their own settlements between the city of New Orleans and the State of Tennessee. In the late war, when the British invaded Louisiana, our white brothers of New Orleans and of Natchez were compelled to call upon their brothers in Tennessee and Kentucky to defend them. The distance was so great, and the difficulties of the march so numerous, that the country of the Mississippi was, for a long time, left exposed; our towns would have been burnt, our property plundered, and our country lost, but for the timely and miraculous relief by our brothers of Tennessee and Kentucky. They encountered every difficulty to give security to our southern border. This state of things must not again occur. The wide country between Mississippi and Tennessee must be settled. We must have men near at hand to defend our seaports and our southern white brothers. You have more land than you can use; your white brethren have to protect and defend their own, and the country of their red brothers; they have to defray all the expenses of the Government in peace, and to feed and support their armies in time of war. The only advantage the Government derives from its red children is, to get, occasionally, some of their lands,

at a fair and reasonable price. By refusing to sell us lands, you withhold the only means in your power of contributing to the support and prosperity of the Government of the United States. Should you obstinately persist in this, your father, the President, will be compelled to do that which you ought most willingly, and of your own accord, to do. You must see the necessity of selling a part of your lands, so as to enable us to connect our lower and upper countries. If our Choctaw brothers will act towards the Government with that liberality which we have a right to expect, we shall be enabled, with what we calculate on getting from you, to accomplish this most desirable object. Your father, the President, says you must sell to your white brothers, that part of your land which you can most conveniently spare and which their necessities compel them to have. It is not proposed by your father, the President, to take any portion of your country, without giving you ample compensation. He would not defraud you; and your brothers, the commissioners, would scorn to take advantage either of your weakness or your necessities. They are resolved to deal fairly and honorably with you, and to pay a full and liberal value for your lands, in money, for the benefit of the whole nation."

Was this, he asked, the language of coercion, or threats? No gentleman would say it was. But, after having failed in every effort to procure a cession of their lands, the Commissioners learned that white men and traders in the nation, who had profitable situations among the Indians, had, and were exercising, a powerful and undue influence over them, to prevent a cession of their lands to the United States. Secret councils, at night, were held to effect this object. The Commissioners, in the journal of their proceedings in the Choctaw nation, state that, "at a private council of the nation, held in the night, to ascertain the voice of the people upon the proposals which had been made to them, there were present a number of white men, among whom was the contractor, Mr. William Easton, when Mr. David Mackey, half-breed, attempted to express his views in favor of a cession, Mr. James D. McDonald then rose and observed that Mr. Mackey would not be allowed to speak; and Mr. Mackey was accordingly silenced by the order of the council." The Commissioners having discovered this, it became necessary to undeceive the Indians, if practicable, and to convince them of the propriety of ceding to the United States a part if not the whole of their country; and, for this purpose, the address of the 15th November, 1826, to which exceptions had been taken, was delivered to the Indians, couched in strong and energetic terms it was true, but not as had been said, in the language of coercion and threats. The Commissioners, therefore, so far from meriting the slightest imputation of censure, deserve the thanks of the country, for their persevering and zealous endeavors to effect the object of their appointment.

Mr. FORSYTH said that it was not his intention to object to the object proposed to be attained by the resolution of the gentleman from

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Ohio. He wished to see these instructions, but there was much in the resolution which he could not approve. The answering of the call was left discretionary with the Executive, how far the call was to be answered. He could not see how the disclosing of these instructions was likely to affect the public service. The call, moreover, was directed to the President of the United States. The usual course in these cases was to direct the call to the Secretary of War. But another part of the resolution was still more objectionable. It first calls for a copy of the instructions, and then it calls upon the President to say, whether the language professedly under those instructions, was authorized by him. Surely the House, when it got the instructions, would be able to judge for itself, whether it did or did not authorize the language employed. It seemed rather extraordinary to call upon the President first to disclose the instructions, and then to decide upon the construction of the terms contained in them. There was something wrong in the whole manner of conducting this business. The House was asked to make a mountain of a molehill, and to investigate the circumstances of an Indian talk, as if the country had been conducting a diplomatic negotiation with some important foreign power. Indian treaties used formerly to be conducted by talks held by the Commissioners of the United States and the Indian Chiefs; the result of which, on both sides, was submitted to the Senate. An improvement, of late years, had been introduced, and the matter was now treated diplomatically. Formal diplomatic notes were addressed to these Indian tribes, scarcely one of whom could read, and as formal diplomatic answers were returned, although none of them could write. This was quite a modern improvement, being, as he believed, of about five years' standing. For his part, he had no idea of giving countenance to any such mode of procedure. He knew that an idea was very prevalent, and was gaining ground in the United States, that the intercourse of the Government with the Indian tribes ought to be placed on an entirely new footing. Sir, asked Mr. F., what are they? Are they nations independent of the United States, or are they not the subjects of our will, and under our control—the proper subjects of legislative enactment in any manner that the interests of the United States might demand? Has this Government ever legislated for them as individuals? Or, have they not ever been treated as dependent tribes? They are so. They must be treated so, and have been so treated with undeviating rigor, from the very commencement of this Government. Under this impression he would now offer an amendment, calculated to obtain the object in view, and which, at the same time, would avoid giving to this subject an importance which did not belong to it. Mr. F. here offered the following amendment:

“That the Secretary of War be directed to trans-

mit to this House a copy of the instructions given to the commissioners and agents of the United States under the act of the 20th May, 1820, to enable the President of the United States to hold a treaty with the Choctaw and Chickasaw nations of Indians.”

Mr. Woods, of Ohio, observed, he thought the reasons which induced him to offer the resolution, had been fully stated and explained, when it was first considered by the House. He had then stated that he believed abuses did exist; and he would now say that he believed an attempt had been made to carry into effect a policy in relation to the Indians, which he hoped would, when discussed, meet the decided reprobation of this House and the nation. If the Commissioners have used language to the Indians not authorized by their instructions, they should be held responsible. But he wished to know whether this policy and the course pursued in these negotiations, did not originate with the Executive or the Department under which the Commissioners acted. Nothing more may have been done in this case than in many others; but the number of instances can be no justification for continuing to do wrong. He did not wish (Mr. W. said) to convey any charge or imputations against the character or intentions of the Commissioners. He stated this explicitly before. The gentleman from Tennessee (Mr. Polk) has told us that these Commissioners were influenced by their great zeal to advance the public interest, and what they believed to be the policy of the Government. This zeal, however laudable, may have led the Commissioners, and the Department too, into an error. We have (said Mr. W.) been informed that three or four thousand dollars have been expended by one of the agents to advance this scheme, which he believed (and perhaps on the information of the Department) to be the policy of the Government, and in the promotion of a measure which he (Mr. W.) hoped never would be sanctioned. The gentleman from Tennessee says, he must have been mistaken in his calculations, when he (Mr. W.) informed the House that the amount proposed by the Commissioners to be given to the Indians was not less than five millions of dollars. He could assure that gentleman that the calculation was made upon the documents and estimates presented to us by the Indian Department. And if gentlemen will look at the matter, they will find that he had not overrated the amount; and he might add that the expense of the grand scheme in which the Department of Indian Affairs had been progressing, would, if carried into effect, cost the nation little less than twenty millions. The whole number of Indians in the Chickasaw and Choctaw nations, are stated, in a document which he had before him, (said Mr. W.,) at 24,625. The expense of removing them is estimated at \$30 each; the cost of furnishing each warrior with a rifle, blanket, and ammunition, and the additional articles proposed by the Commis-

sioners to be given to others, with provisions for the support of the whole nation for one year, would not be less than \$50 for each individual. These items would amount to \$1,970,000. The sum offered for the Choctaw lands was one million, in addition to the pay proposed to be given for all their improvements, which must be very considerable, as many of them are stated to have good houses and valuable farms. If these are added, and the sums to be paid for the land of the Chickasaws, and to purchase another territory for them, are taken into the account, he presumed the gentleman from Tennessee would find that he had not been mistaken in the statement he had made.

The gentleman from Georgia (Mr. FORSYTH) had said that the resolution is unusual and extraordinary in its character; that the inquiry should be directed to the Secretary of War, and not to the President, as it would otherwise be giving too much importance to these negotiations; and as no person could suppose any injury would result to the public by the publication of the instructions given to the Commissioners. In answer to the remarks of the gentleman from Georgia, Mr. W. said, he might refer to the argument of the gentleman from Mississippi, (Mr. HALE,) who urged, that the public interest might be injured by the publication of the instructions. It was to prevent any objections of this kind, and to meet the views of gentlemen who supposed there might be an impropriety in making the call without this reservation, that he had given this direction to the resolution. It has been alleged, said Mr. W., that these Indians are entirely illiterate, and that scarcely one of them can write. He knew one of the individuals whose names appear in these documents, who was a man of intelligence, and he was pleased to find that, in these communications and arguments, the Indians had elevated themselves far above the reasoning of our Commissioners. He was glad, said Mr. W., that the practice of conducting our negotiations by written notes, of which the gentleman from Georgia appears to complain, has been introduced. It enables us to judge more correctly of the character of the negotiations; and to know better the course pursued in conducting them. In this instance, the Commissioners complain that the Indians had determined not to allow a voluntary expression of opinion, or a fair decision to be made in regard to their proposals. The Indians in answer say, "a resolution, it is true, was entered into, that, if any man should so far forget his duty as to accept money as a bribe to sell his country, he should suffer a severe penalty. But this measure, whether necessary or not, was not unjustifiable. The circumstances of the times, perhaps, called for it." These individuals, however illiterate, have proved to us that they could not be bribed by any inducement to sell their country. They are entitled to our respect. He wished the resolutions, for the reasons he had stated, might be permitted to pass.

[At this point, the further discussion of the resolution was arrested by the Speaker—the hour appropriated to resolutions having expired.]

TUESDAY, January 30.

*Chickasaw and Choctaw Indians.*

The House again resumed the consideration of the resolution heretofore moved by Mr. WOODS, of Ohio.

Mr. McLEAN, of Ohio, said he had no disposition to prolong the discussion on the resolution introduced by his colleague, (Mr. Woods,) which had already taken a very wide and universal range. He was satisfied for himself, and he thought the House would concur with him in opinion, that the information called for by the resolution, could be of no service whatever when obtained, either to his colleague, to this House, or to the nation. If this treaty with the Indians had been successful and we were about to be called upon to legislate upon the subject, then, indeed, there might be some reason for the adoption of the resolution; but the efforts of these Commissioners have been ineffectual, and he could not conceive any possible benefit that could result from the information desired by the resolution. His colleague had, on the day on which he introduced his proposition, by some remarks, seemed to cast censure upon those distinguished individuals who acted as agents or Commissioners of the Government; but, in his remarks on yesterday, he had exculpated the Commissioners at the expense of the Executive. Sir, my colleague must know that, from the very nature of the case, the instructions given on this occasion by the Executive, were general, as they are in all such cases. The Commissioners were authorized to hold a treaty for a certain specified purpose, and vested with a discretionary power as to the manner of conducting that treaty. Mr. McL. said he had examined the documents referred to by his colleague, in which it had been asserted, threats were contained, which had been made by those Commissioners towards the Indians, in order to coerce them into measures, but he could not discover any language used, other than had been customary on all such occasions, from the foundation of the Government. He said he should not have rose to say a word on this subject, had it not been for some remarks which had on yesterday fell from his colleague (Mr. Woods) in relation to a recent expenditure of some three or four thousand dollars by an Indian agent, in his own immediate neighborhood, to aid some of the Indians in Ohio to emigrate to the west of the Mississippi, which his colleague had said, if authorized by the Executive, he trusted would not be sanctioned by this House. He advised his colleague to examine into the documents in relation to this subject, before he censures an Agent of the Government, or the course of conduct of one who stands as high, and deservedly so, in public estimation,

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*The United States and Georgia.*

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as does the gentleman to whom he alludes. He said it would be found, that, by a solemn treaty held some time since with the Shawnee nation of Indians residing in Missouri, that the Government had stipulated to procure for them a tract of country west of the Mississippi, for and in consideration of certain lands by them ceded to the United States, and that the United States should furnish them with the means necessary to enable them to remove to their new territory. In that treaty, a special reference is had to that part of the same nation of Indians then residing in Ohio, who might be disposed to emigrate to the same territory with, or to their friends. This treaty had been sanctioned by the Senate, and this House had approved it also, by making appropriations to carry it into effect. He denied that the Executive, or any of the Agents of the Government, had, in this matter, transcended their authority.

Mr. HALE said that, since offering the remarks which he had formerly made in opposition to the resolution, he had been induced, upon reflection, to permit the resolution to pass; not because he believed that the information when obtained, would be of any use, but to satisfy the gentleman who had introduced the resolution, and to prevent any opportunity for casting imputations upon the Commissioners. The gentleman, though often called upon, had not yet informed the House what use he intended to make of the information, when it should be obtained. Did he wish it for the purpose of indirectly throwing blame upon the Executive? Was it to make the President *particeps criminis* in the threats which he pretended these Commissioners had uttered? Or was it for the purpose of implicating the conduct and character of the Commissioners themselves? He should be sorry to think that the gentleman meant indirectly to censure those highly distinguished men, for their patriotic act in endeavoring to effect this treaty. These gentlemen had been the organs of the Government in that negotiation, and were, necessarily, clothed with discretionary power for carrying into effect the beneficial object they had in view. The gentleman had said, that, in fulfilling their trust, they had employed language of an improper kind, and had urged a policy which was not sanctioned by this nation or its Government. But, the policy which these gentlemen had endeavored to promote, was no other than that which had been recommended successively by Mr. Monroe, Mr. Calhoun, and Mr. Barbour. He could see no object in introducing the resolution, unless it were intended to embarrass a bill now pending, for the gradual removal of the Indians west of the Mississippi. What was it the gentleman wished? Or why did he seek to defeat that bill? Was it possible he could desire that the Indian tribes should remain for an indefinite period within the chartered limits of any of the States, and should be maintained there at the expense of the States? Could the gentleman wish to throw obstacles in the way

of their removal, when their continuance where they were must only tend to their injury and destruction?

Mr. COOKE said he had risen to move that this resolution be laid upon the table, never to be taken up again.

Being informed by the Chair that a gentleman from Pennsylvania had the floor before he rose, Mr. C. took his seat: whereupon,

Mr. MINER said, that the gentleman from Tennessee had but anticipated his own intention; and he now moved that the resolution be laid upon the table.

The motion was agreed to without a division, and the resolution of Mr. Woods was laid on the table accordingly.

MONDAY, February 5.

*The United States and Georgia.*

A message, in writing, was received from the President of the United States, by the hands of his private Secretary. (See Senate debate of this day for a copy of the Message.)

Mr. FORSYTH moved the reference of this communication to a Committee of the whole House on the state of the Union. He said that he rejoiced that, at length, the strange circumstances of this case had been presented to the House in such a form as to compel the rendering of a solemn decision between the Executive and the State of Georgia, and that it was called for, at this time—not by them, for they had been demanding it for years past—but that now the call came from the Executive. He could not, however, as a Representative of Georgia, consent to sit, and quietly hear the charges brought forward in this communication against the authorities of that State. They had done nothing which violated the constitution of their country. He would say this in the face of the Executive.

[Here some member called Mr. FORSYTH to order, but the Speaker decided that he was not out of order.]

Mr. F. then proceeded to say that he also rejoiced to perceive, that the Chief Magistrate in the execution of what he conceived to be his duty, had not, this time, made his appeal to military force. He denied, however, the existence of any constitutional authority to employ such force, either in the present case, or in any other which had occurred within that State; and he rejoiced to see that the Executive had now thought proper to resort to the civil authority. Mr. F. here denied that the Governor of Georgia was guilty of transcending the authority vested in him by law. He acted under the sovereignty of his State, and had exercised only that discretionary power which was vested in him by her laws. He had acted under rights exercised in every part of the Union, and which had never been resisted, except in the case of Georgia alone.

Mr. F. said that it would be easy to dilate on this subject; but he perceived that there exist-

ed in respect to it some sensibility in the House, and he would forbear.

Mr. POWELL, of Virginia, inquired whether the gentleman from Georgia anticipated any legislation in reference to the communication just received? And whether it would not be more expedient to refer it to one of the Standing Committees of the House, rather than to a Committee of the Whole?

Mr. FORSYTH replied, that since the inquiry had been so directly put, he would frankly reply, that he did not anticipate any legislation: and he insisted that no legislation in the case could be necessary or proper. He considered the Executive as asking the opinion of this House in relation to certain rights of the State of Georgia. If the opinion of the House should be in affiance of those rights, no other act, than a declaration of such opinion, need ensue. Very false impressions were entertained on this matter. It was only for the United States to will, and her will would be instantly obeyed. There was nothing to be apprehended if the General Government did not interfere, and, under the semblance of protection, stimulate the Indians to a resistance of the authority of the State. All the difficulties which had existed from the beginning of this business, had been created by this interference. Those unfortunate beings would long since have done their duty to the country, and to themselves, if it had not been for the base interference of infamous white men, who exercised an influence over them. Was it not sufficient to refer to the scene which had taken place at this very spot during the last Winter—to the base and infamous conduct of those who came with the Indians, under the pretence of protecting them? There could be no need of any farther legislation on the subject. If the rights of the Indians had been violated, existing laws provided an ample remedy, and the courts of the United States were open to them.

Mr. WEBSTER said, on rising, that he was not much concerned what course this communication should take, or whether it should be referred to one committee or another; but he was not contented that it should be supposed, either here or elsewhere, that there existed an entire unanimity of opinion with the gentleman from Georgia on this subject. The gentleman from Georgia must know that there were two sides to this question between Georgia and the United States; and he would tell the gentleman from Georgia that there existed two opinions also, not only on that question, but on the conduct which that gentleman had designated as "base and infamous."

This, Mr. W. said, was strong language, but it was not argument. The gentleman had told the House that nothing had prevented every thing going right in Georgia but the interference of the General Government. The gentleman denounced such interference, saying in effect, "hands off for the present: leave the Indians to the remedy of the courts." But, Mr. W.

said, he would tell that gentleman, that if there were rights of the Indians which the United States were bound to protect, that there were those in the House and in the country who would take their part. If we have bound ourselves by any treaty to do certain things, we must fulfil such obligations. High words will not terrify us—loud declamation will not deter us from the discharge of that duty. For myself, said Mr. W., the right of the parties in this question shall be fully and fairly examined, and none of them with more calmness than the rights of Georgia. In my own course in this matter, I shall not be dictated to by any State, or the Representative of any State on this floor. I shall not be frightened from my purpose, nor will I suffer harsh language to produce any reaction on my mind. I will examine with great and equal care all the rights of both parties. Occasion had been taken on the mere question of reference of this communication, he would not say for argument, but for the assumption of a position, as a matter perfectly plain and indisputable, that the Government had been all in the wrong in this question, and Georgia all in the right. For his own part, Mr. W. said he did not care whether the communication did or did not go to a Committee of the Whole on the state of the Union, nor how soon it went there, and was there taken up for discussion. When he went into that committee he should go there, not in a spirit of controversy, nor yet in a spirit of submission, but in a spirit of inquiry, calmly and deliberately to examine the circumstances of the case, and to investigate the rights of all parties concerned. But he had made these few remarks, to give the gentleman from Georgia to understand that it was not by bold denunciation, or by bold assumption, that the members of this House are to be influenced in the decision of high public concerns.

Mr. FORSYTH said, that he had not, to his knowledge, denounced the House, or any gentleman in it; nor had he attempted to dictate to the House, or to any member of it. It was, however, perfectly natural, that a Representative from Georgia, the Government of which was here arraigned, should have, and having, should indulge, some feeling on the subject. The honorable member from Massachusetts indeed might very well be calm and unmoved; he did not reside near the scene of action; the people of his State were far removed, and had no reason to dread the bayonet at their throats. It was quite natural that the gentleman should be calm and dispassionate, and prepared to take a cool and composed view of the subject; but the Representatives from Georgia did not feel so. We feel very differently, said Mr. F., and when I feel, I will not attempt to conceal my feeling. Our rights have been violated and their violation has been made known to this House; and our appeal has not been regarded. All we ask is, that the case should have a fair investigation; and it is even possible—possible, but not probable—that the

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*Polar Expedition.*

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gentleman from Massachusetts, after such an investigation, might feel with us. The gentleman from Massachusetts says he will investigate the subject; which implies that he has not yet done so; but he, (Mr. F.) had examined it thoroughly. He was prepared to go into the discussion of it in Committee of the Whole; to do so dispassionately, if it were necessary, (for they too could suppress their feelings when circumstances required;) but if not, they should and would, express their feelings, notwithstanding it might draw down upon them the very dispassionate censure of the gentleman from Massachusetts.

Mr. HAILE expressed a hope that the communication would go to a Committee of the Whole. When a subject of this kind was touched, it vibrated on other chords than those of the parties immediately concerned. Several of the States had already exercised their rights over the Indians within their chartered limits, and Mississippi intended shortly to follow the example, and he could assure the gentleman from Georgia that, if the bayonets of the General Government should on this account be turned against any of the States, it would speedily find its friends rallying round it. All the States, situated as Georgia was, claimed the sovereignty over the whole extent of their chartered limits. They had forborne as long as they could, and the future destinies of the Indians, their future location and civilization, or their final extinction, must soon be decided on. Three great questions were involved: 1st, the powers of the General Government within the limits of a State; 2d, the power of the States to legislate within their own chartered limits; and 3dly, the power of the States over the Indian tribes. His State might, ere this time, have extended its legislation over the Indians within its territory. If it had no right to do so, this House ought at once to say so. He hoped there would be no occasion to resort to military force. Georgia certainly had a right to assert what she believed to be her rights, and to speak her sentiments on this floor. He hoped the whole matter would be heard and settled: for, should Congress adjourn without settling it, consequences were likely to ensue, of great interest to many of the States.

Mr. WEBSTER rose to make one remark in reply to the gentleman from Mississippi. That gentleman, he said, had reason to know that he (Mr. W.) was disposed to use all proper authority of the United States to extinguish Indian titles to lands within the States. But he must tell the gentleman from Mississippi, that the States would act on their own responsibility, and at their own peril, if they undertake to extend their legislation to lands where the Indian title has not been extinguished. If any such measure was contemplated in the State which the gentleman represented, Mr. W. hoped that gentlemen would lose no time in warning his friends against making any such attempt. The relation which the United States held to these

tribes, of parental guardianship over these remnants of mighty nations now no more, was a very delicate relation. Its general character was that of protection, and, while every facility was given to the extinguishment of Indian title, let not that circumstance be so far presumed on, that the States should attempt to exercise authority within the Indian limits. Any such course would be attempted at their own responsibility. Mr. W. concluded, by saying that he was ready to do all that could be done to extinguish the Indian title in the States, and particularly in the States east of the Mississippi. But this disposition, common to all parts of the country, should not be so far presumed upon as that any State should undertake, of its own mere motion, to exercise an authority over the lands to which the Indian title is guaranteed by treaties, &c.

Mr. BARTLETT said that he had not risen for the purpose of entering on the general subject, but merely to suggest to the gentleman from Georgia, whether it would not be better to refer the communication to one of the Committees of the House. Before any thing like a correct decision could be had, many facts must be inquired into; and it would facilitate the debate and the decision, if these facts should previously be ascertained and reported to the House by one of its committees. Should the subject go into the Committee of the Whole, before this was done, much room would be left for declamation, and much time probably wasted, which might otherwise be saved. He should suppose the Committee on the Judiciary would be a very proper reference.

Mr. WRIGHT said, that, with the very imperfect understanding which the House now possessed of the paper to be referred, they were not in circumstances to decide whether the case was such as required legislation or not. Even the present discussion he considered premature; and with a view that every member might obtain a right understanding of what the communication was, he moved to lay it on the table and to print it.

This motion prevailed; and it was laid upon the table, accordingly.

TUESDAY, February 6.

*Polar Expedition.*

Mr. WORTHINGTON, from a Select Committee, appointed on certain memorials in behalf of an expedition of discovery in the Polar regions, asked to be discharged from the farther consideration of that subject, and of the several memorials thereon, and that the same be referred to the Committee on Naval Affairs.

Mr. STORRS (chairman of that committee) opposed the motion. The memorials, if they went to either of the standing committees, seemed rather to belong to the Committee on Commerce; but they did not appertain strictly to any one of the standing committees. The subject appropriately belonged to a special com-



mittee—such as had been raised for the purpose.

Mr. EVERETT said, that he was not fully apprised of the nature of the memorial—for the Select Committee had, at the instance of the gentleman from Maryland, (Mr. WORTHINGTON,) been raised on the first memorial alone—but, from what he knew of the subject, he was induced to hope that the Select Committee would be discharged from its consideration; and that it would be referred to no other committee of this House. He did not undertake to decide on the speculation of which he understood some part of the memorial to consist. At the proper time, and under proper circumstances, he was disposed to favor any undertaking the object of which was to advance the cause of science. He thought very highly of the efforts which had been made by other nations, to explore the unknown regions of the earth; but, on the subject of these memorials, he did not think the public mind had reached such a point as would lead them to approve of an undertaking based on a theory of the kind referred to. He was far from wishing, or intending, to cast any thing like ridicule on the theory; he did not profess to be sufficiently acquainted with the principles on which the Newtonian theory was founded, to pronounce between them. At all events, he did not believe the nation would approve of the time of this House being occupied with a consideration of the subject. He, therefore, moved to divide the motion of the gentleman from Maryland, so that the select committee might be discharged, and the memorials laid upon the table.

Mr. BUCHANAN said he had not risen for the purpose of expressing any opinion with respect to the truth or falsehood of the speculations in these memorials. But the peculiar situation in which he stood toward some of the memorialists, rendered it proper for him to say a word on the subject. Some of the memorials were presented by men of as great respectability in the community, of as cool heads, and as far removed from any thing like enthusiasm, or credulity, as any that could be found. They recommended not an expedition to Symmes's hole, (if there was such a place,) but an expedition of discovery in the high latitudes of both hemispheres. That was the subject of the prayer of these petitioners—a subject entirely distinct from the peculiarities of any hypothesis. He hoped it would be referred to the Committee on Naval Affairs—as, should any expedition be determined on, that would be the appropriate committee through which the report ought to come. The Legislature of Maryland was among the petitioners on this subject. They had unanimously recommended the subject to the attention of Congress—other petitions came from various parts of the United States. He thought it was due to the character and standing of these memorialists, that proper attention should be paid to their appli-

cation. For himself, he professed to have formed no opinion on the subject of Symmes's theory. There might be a hole at the poles for aught he knew; but however that might be, the expedition recommended was not for the purpose of finding it.

Mr. WREMS said he had in his hand a petition from the Governor, Council, and Chancellor of Maryland, on this subject, which he wished to present. [He was reminded by the Chair that this was not the time for the presentation of petitions.]

The question being then taken, on the motion of Mr. WORTHINGTON, it was decided in the negative.

SATURDAY, February 10.

#### *Jefferson Lottery Bill.*

Mr. ALEXANDER, of Virginia, from the Committee for the District of Columbia, to which had been referred the bill from the Senate, to authorize the Corporation of the City of Washington to introduce into the lotteries they are authorized to establish certain land prizes, (being the lands of the late President Jefferson,) reported the same without amendment.

On reporting this bill, Mr. A. observed, that the Legislature of Virginia had passed an act for the benefit of the family of Mr. Jefferson, granting a lottery for the disposal of his real estate. An agent in Washington had been employed to prepare a scheme for the lottery thus granted; but owing to the small number of the prizes, this scheme was found impracticable. Application was made to Congress to fulfil the wishes of the Legislature of Virginia, by connecting the Jefferson lottery with some scheme which had for its object the benefit of the City of Washington, and the present bill was intended to effect that object. What Mr. Jefferson might have thought or done in relation to such a proposal, had he lived, it was not for him to say; but in making this application, the executor of that illustrious man had done no more than was his duty, under the will. He had acted under the influence of feeling and of duty, and the application was recommended by every principle of filial gratitude, and by all those sentiments of the human heart, which, if he would, he could not change.

The question was then taken, and the bill was ordered to a third reading on Monday—ayes 104, nays 26.

#### *Duties on Wool and Woollens.*

The bill for the protection of the woollen manufactures was read a third time; and the question being on the passage of the bill,

[An earnest debate took place in which Messrs. Cambreleng, Lawrence, Buchanan, Wurts, Stewart, Cook, and Ingham joined, when finally]

The question recurred—"Shall this bill pass?" and was decided by yeas and nays, as follows:

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**YEAS.**—Messrs. Adams of New York, Allen of Mass., Angel, Bailey, Badger, Baldwin, Bartlett, Bartley, Barber of Conn., Barney, Beecher, Brown, Burleigh, Burges, Campbell, Cassidy, Clarke, Condict, Crowninshield, Davis, Deitz, Dwight, Eastman, Edwards of Pennsylvania, Everett, Findlay of Pa., Findlay of Ohio, Forward, Fosdick, Garnsey, Garrison, Hallock, Harris, Harvey, Hasbrouck, Healey, Henry, Hobart, Holcombe, Huguenin, Humphrey, Ingersoll, Johnson of Virginia, Johnson of Kentucky, Kellogg, Kidder, Krebs, Lathrop, Lawrence, Little, Locke, Mallary, Markell, Martley, Martindale, Marvin of New York, Mattocks, McKean, McLean of Ohio, McManus, Meech, Merwin of Connecticut, Metcalfe, Miller of New York, Miner, Jas. S. Mitchell, John Mitchell, Orr, Pearce, Phelps, Plumer, Porter, Reed, Rose, Ross, Sands, Scott, Shannon, Sill, Sloane, Sprague, Stewart, Storrs, Strong, Swan, Test, Tomlinson, Tucker of New Jersey, Van Horn, Vance, Varnum, Vinton, Wales, Ward, Webster, Whipple, White, Whittemore, Whittlesey, James Wilson, Wilson of Ohio, Wolf, Wood of New York, Woods of Ohio, Wright—106.

**NAYS.**—Messrs. Addams of Pennsylvania, Alexander of Virginia, Alexander of Tennessee, Allen of Tennessee, Alston, Anderson, Archer, Armstrong, Ashley, Barbour of Virginia, Barringer, Bassett, Baylies, Blair, Boon, Brent, Bryan, Buchanan, Buckner, Cambreleng, Carson, Carter, Cary, Claiborne, Cocke, Conner, Cook, Crump, Davenport, Drayton, Edwards of North Carolina, Floyd, Forsyth, Garnett, Gist, Govan, Gurly, Haile, Hamilton, Haynes, Herick, Hines, Hoffman, Holmes, Houston, Ingham, Isaacs, Jennings, Johnson of New York, Kerr, Kittera, Kromer, Lecompte, Letcher, Livingston, Long, Marable, McCoy, McDuffie, McHatton, McKee, McLane of Delaware, McNeill, Mercer, Merriwether, Mitchell of Maryland, Mitchell of South Carolina, Mitchell of Tennessee, Moore of Kentucky, Moore of Alabama, Newton, O'Brien, Owen, Peter, Polk, Ripley, Rives, Saunders, Sawyer, Smith, Stevenson of Pa., Stevenson of Va., Taliaferro, Taylor of Va., Thompson of Geo., Thompson of Ohio, Trezvant, Tucker of S. C., Verplanck, Weems, Wickliffe, Williams, Wilson of South Carolina, Wurtz, Young—92.

So the bill was passed, and sent to the Senate for concurrence.

MONDAY, February 12.

*Slavery in the District of Columbia.*

Mr. BARNEY presented a memorial of sundry citizens of Baltimore, in the State of Maryland, praying that a law may be passed, providing that all children hereafter born of parents held to slavery within the District of Columbia, shall be free at a certain age, and moved that it be printed.

Mr. McDUFFIE said, it was immaterial to him what disposition was made of this memorial; but he should vote against the printing of the memorial, and he should do so on this principle: We act as Representatives of the people of the District of Columbia. They are deprived of all the privileges which, as freemen, they originally possessed. They are under as perfect a despotism as ever existed in the provinces of Rome, under the Prætors, which all know to

have been so despotic. They are not represented: they have no voice in the election of those who legislate for them. I trust, therefore, that every member of this House, feeling the magnitude of the trust devolved upon him, without the responsibility of elections, will feel it to be his duty to stand as a sacred sentinel over the rights of the people of this District; and I trust, sir, whenever we legislate for them, that we shall not permit the people of other States to come here with impertinent suggestions of what ought to be done in any particular case. Suppose the people of Maryland were to go to the Legislature of Virginia, and undertake to instruct them what they should do in relation to a particular class of population: would it not be outrageous and insulting? Is it not equally so for them to come here, and call upon the National Legislature to sacrifice any right which the people of Virginia deem important to their peace or interest? If the people of the District of Columbia wish to abolish slavery, and will present a petition to this House to that effect, no man in this House will be more ready than I will to grant to the people any measure which they may deem necessary to free themselves from this deplorable evil. But, so long as they deem it an important privilege, I never can consent to print and spread abroad a memorial from any portion of the people of Maryland, asking Congress to abolish slavery in this District—to violate the very first principles of political legislation and of liberty, by depriving the people of their property, by means which they have no agency in creating or promoting.

Mr. Cook moved to lay the petition on the table.

The Chair pronounced this motion not to be in order.

Mr. POWELL opposed the printing of the document. The session was fast drawing to a close, and it could not be expected by the honorable gentleman who presented the petition, or by any one else, that any legislation was to grow out of it. The only effect which would result from printing the petition, would be to disseminate a partial and intemperate view of the subject of slavery, a measure very likely to do harm, and from which no possible good could arise.

Mr. BARNEY observed, that he had presented the memorial in performance of a duty to its numerous and respectable signers, having previously ascertained that it was couched in decorous and respectful language, such as became them to use, and this House to hear. The petitioners, conscientiously believing that the period had arrived when measures ought to be adopted to promote gradual emancipation, exercised an undoubted right to present their views for the consideration of the Representatives of the people, and it was entirely pertinent for them to do so, the opinion of the gentleman from South Carolina to the contrary notwithstanding. Mr. B. felt himself constrained

to state that, although the existence of negro slavery was deplored as an evil by all classes of constituents, yet a very large majority of them deprecated the agitation of this question as premature, impolitic, and injudicious, and not calculated to produce any beneficial results to the present generation. Every member of this House can bear witness that, so far from voluntarily introducing subjects calculated to create excitement, he had never permitted himself to mingle in any debate, affecting, in the remotest degree, our colored population, either black or red. He had acted from a conviction that the sensibilities of a portion of the Union were feelingly alive on all such questions. As illustrative of this determination, it was on his motion that the memorial was laid on the table. The printing being requested by the memorialist, he had moved it accordingly, and he was perfectly content to acquiesce in the decision of the House, be it their pleasure to sustain or reject the proposition.

Mr. DORSEY said that, whatever disposition he might feel to gratify a minority of the constituents of his colleague, he could not consent that the paper they had just presented should be promulgated by means of an order of this House for the printing of it. The gentleman from South Carolina (Mr. McDUFFIE) was mistaken, if he supposed that the whole object of this memorial was confined to the District of Columbia. It breathed the spirit of general emancipation; and though its request began with this District, its ulterior purpose went much further. The House had received petitions on the same subject, and in much the same tone, from Pennsylvania, and other States, but no such importance had been attached to them, as induced the House to order their being printed. Why was the present memorial to be distinguished by such an order respecting it? If this petition was ordered to be printed, all the others should be printed too. But, he could see no good consequence likely to arise, and he should therefore oppose the motion.

The question being taken on printing, it was negatived by a large majority; and the petition was ordered to lie on the table.

#### *Georgia and the Creek Indians.*

The following resolution, moved by Mr. FORSYTH, on the 8th instant, was read the second time:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of ——— dollars, to be paid out of any money in the Treasury, not otherwise appropriated, be, under the direction of the President of the United States, distributed among the Creek Indians, as a full indemnity for their claim to hunt upon, or in any other manner use, the strip of land lying between the Chatahoochie River and the dividing line between the States of Georgia and Alabama, which said land is to be subject to the undisturbed occupation of the citizens of Georgia, under the laws of that State."

This resolution was referred to the Select Committee appointed on the 9th, on the Message of the President of the United States, in relation to the events growing out of the conflicting claims of Georgia and the Creek Indians, to certain lands lying within the limits of that State.

The bill from the Senate "to authorize the Corporation of the City of Washington to introduce into the lotteries they are authorized to establish, prizes, to be composed of the late President Jefferson's lands," was read the third time, and passed.

TUESDAY, February 18.

#### *The Vice President's Appeal.*

Mr. WRIGHT, from the Committee of Inquiry into the official conduct of the present Vice President, when Secretary of War, made the following report:

The Select Committee, to whom was referred the communication of the VICE PRESIDENT, of the 29th December last, respectfully report:

That, immediately after they assembled, they informed the Vice President of their being organized, and of their readiness to receive any communication which he might see fit to make. On the receipt of his reply, dated the 3d of January, and which accompanies this report, Mr. McDuffie, as the friend and representative of the Vice President, was admitted before the committee, and attended throughout the examination which followed.

The first object of inquiry, in proceeding to business, was, to ascertain whether any charges against the Vice President had been placed among the public records of the War Department. And after an examination on this point, the committee became satisfied that no such charges were, or had been, among the records or papers of that Department. But, as the letter from Elijah Mix, addressed to Major Saterlee Clark, under the name of "Hancock," had been published in the *Alexandria Phoenix Gazette*, of the 28th December, which publication the Vice President had particularly referred to, in his note to the committee, they felt bound to examine fully and freely into the truth or falsity of the matters contained in that letter.

From the nature of the duties imposed upon a Committee of Inquiry, especially when connected with the distinct wish, as expressed by the Vice President, in the present instance, for the "freest investigation," it has been impossible for the committee to give to their proceedings the connection and conscientious incident to trials, when the testimony is ascertained and arranged before it is presented. They have, however, diligently applied themselves to the subject referred to them, and after a long and laborious examination, they are unanimously of the opinion, that there are no facts which will authorize the belief, or even suspicion, that the Vice President was ever interested, or that he participated, directly or indirectly, in the profits of any contract formed with the Government through the Department of War, while he was intrusted with the discharge of its duties, or at any other time.

They are also of opinion, that the conduct of Mr. Barbour, the present Secretary of War, in regard to

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the letter of Elijah Mix, is not, in the slightest degree, deserving of censure. The accusation contained in the letter was regarded by him as a base calumny upon the Vice President, penned by a man wholly unworthy of notice; and the committee have no reason to believe that the supposed truth of that accusation was at any time the basis of any act of the War Department. The publication of the letter appears to have been produced as follows:

In the month of December last, Howes Goldsborough and Elijah Mix were competitors for a contract with the War Department; Goldsborough, soon after his arrival in Washington, obtained from Major S. Clark a copy of the letter, with a view to use the same against Mix, should he find it necessary. From this copy a transcript was obtained by William F. Thornton, the junior editor of the *Phoenix Gazette*, on the 27th December, which he published the next morning in that paper, accompanied by his editorial remarks. In this publication Mr. Barbour had no agency, either direct or indirect. When he heard that the letter had been made public, he requested Col. R. M. Johnson, of the Senate, to call upon the Vice President as a mutual friend, and inform him of the manner in which the letter had come to his (Mr. Barbour's) hands, and that the same had been subsequently transmitted through the post office in an envelope to Major Clark, to whom it belonged. This information was given by Col. Johnson to the Vice President, in the morning of the 29th of December, just before he transmitted his communication to the House.

The letter to "Hancock," as published, and to which the Vice President had referred, contained, among other things, the following assertion: "And I have written letters of Vandeventer's, which most positively mention that he (meaning Mr. Calhoun) was engaged, and received some portion of the contract." As such letters, if they existed, might lead to further evidence, and be important to aid the committee in their inquiries, they thought proper, in the early stage of their proceedings, to issue a subpoena both for Mix and Vandeventer, with a clause therein contained, commanding them to produce any papers in their possession, tending to prove the accusation which Mix had made in his letter to Hancock. In obedience to this summons, the witnesses appeared, and Mix having been first called upon to testify, produced, during his examination, the letters from Major Vandeventer, dated August 7th, 1818, September 10th, 1818, July 8th, 1820, March 24th, 1821, and the letter from Col. W. K. Armistead, dated March 24, 1821. On his second examination, he produced the letters from Major Vandeventer, dated August 3d, 1818, September 19th, 1818, and October 17th, 1820. When it was perceived that in one of the letters of Major Vandeventer, to wit: the one dated the 7th of August, 1818, and to which they here particularly refer, allusion was made to a partner in the contract, whose name was to have been kept secret, they felt it to be their duty to discover, if they could, who this secret partner was, or, at any rate, to push the inquiry so far as to leave no room for suspicion that the Vice President was the person alluded to. This branch of the subject has been the principal cause of their consuming so much time in the investigation; they found that they were here led into a wider field than could have been at first anticipated, and that it was necessary in order to get a full view of the whole ground, to go thoroughly into the ori-

gin and history of what is commonly called the Mix contract. The letters of Major Vandeventer above referred to, appear to relate principally to the private and confidential transactions between him and E. Mix, in regard to the contract; and there is no reason to believe or presume that the Vice President was ever made acquainted with their contents. The letter from Col. Armistead, written while he was at the head of the Engineer Department, although it wears the appearance of an official paper, and was improperly intended, as the committee believe, to bring the weight of official influence to bear upon the private transactions between Vandeventer and Mix, was not written with the sanction or knowledge of the Vice President, and no copy of it was ever entered in the letter-book of the Department.

The committee will here remark, that they place no reliance whatever on the testimony of Elijah Mix. From the self-contradictions, apparent on the face of his testimony, and which it is unnecessary here to recapitulate, aside from the infamy attached to his character, the committee were satisfied that he ought not to be believed on his oath. The letters, however, just referred to, and produced by him during his examination, do not rest for their authenticity on his testimony. Those from Major Vandeventer, excepting such parts as had been defaced or obliterated, were acknowledged by Major Vandeventer himself to be genuine; and he was requested in every instance, to state, with the letters before him, what names or words had occupied the obliterated places, when the letters were written. The letter from Colonel Armistead was also acknowledged by that officer to be genuine. But the three papers purporting to be copies or the substance of a letter from Major Vandeventer to Mr. Calhoun, rest for their authenticity on the unsupported testimony of E. Mix, and are regarded by the committee as having been fabricated by him. They are also of opinion that the words or names defaced from the letters of Major Vandeventer were so defaced by E. Mix: and the committee have been unable to ascertain with certainty, either from Vandeventer, the admitted author of the letters, or from any other source, what the words or names were, which have been thus obliterated.

The offer for the contract appears to have been made by E. Mix on the 23d of July, 1818, and proposes to deliver at Old Point Comfort, "from one to one hundred and fifty thousand perches of stone, at three dollars per perch." The contract as furnished from the War Department, bears date 26th of July, 1818. It stipulates for the delivery of one hundred and fifty thousand perches of stone, at three dollars per perch—is drawn up in the handwriting of Major Vandeventer, and by him alone witnessed, and is signed by General Joseph G. Swift, the then Chief Engineer, and by Elijah Mix. Although Mix here appears to have been the only contractor, yet, from the evidence, there is reason to believe, that, at the time the contract was made, or soon after, and before the execution of any valid bond for the performance thereof, it was divided into shares, and that one-fourth belonged to Major Vandeventer, one-fourth to Elijah Mix, one-fourth to R. C. Jennings, and the remaining fourth to a person whose name was not to have been mentioned. The title of Vandeventer to his fourth, at the time above referred to, appears to have rested on a verbal and confidential agreement between him and Mix, and so remained till the 24th of April, 1819,

when he received a written bill of sale of one-half of the whole contract. Howes Goldsborough & Co. subsequently became the owners of one-fourth, by purchase from Samuel Cooper, who had previously purchased from Major Vandeventer; and they (Goldsborough & Co.) were recognized at the War Department, by the consent of E. Mix, expressed in a letter sent by him to the Secretary of War, and dated the 13th of April, 1821.

The first bond, received at the Engineer Department, on the contract, is dated 5th of August, 1818, and describes the contract as having been made by Elijah Mix and George Cooper, for the delivery of one hundred thousand perches of stone, being fifty thousand less than Mix was entitled to deliver. This bond is signed by E. Mix and George Cooper, as contractors, and by Samuel Cooper and James Oakley, as sureties; the sureties were regularly approved by R. Riker, Recorder of the City of New York, as appears by his certificate following immediately after the signatures, and dated the same as the bond. It will be perceived, at once, that there is an obvious and fatal variance between this bond and the contract. In an official letter written from the Engineer Department, on the 11th day of August, 1818, to Lieutenant George Blaney, and copied into the letter-book of that Department, the contract is described as for one hundred thousand perches of stone. The language of the letter is as follows: "You will inform the Agent that a contract has been made with Captain E. Mix, to deliver as soon as practicable, at the Rip Raps, one hundred thousand perch of stone."

In a subsequent letter, written to James Maurice, also copied into the same letter-book, and dated the 21st day of August, 1818, the contract is described as being for two hundred thousand perches. The language of this letter is as follows: "Mr. E. Mix will soon commence to deliver stone at the Rip Raps, under contract with this Department for two hundred thousand perch."

Some time after the delivery at the Engineer Department of the first bond, but at what precise time does not appear, a new bond was given for the delivery of one hundred and fifty thousand perches, describing the contract as made by E. Mix. This second bond is signed by E. Mix as contractor, and Samuel Cooper and James Oakley, as sureties—and it is antedated to 5th of August, 1818—but no certificate in regard to the sufficiency of the sureties, was attached to this instrument. The committee have been unable to ascertain when this second bond was received at the Engineer Department; though the impression of General Swift is, that it was received before he left the office, which was on the 11th of November, 1818. Major Vandeventer also expresses his belief, that it was delivered during the Fall of 1818. How far his testimony conflicts, if at all, with his letter to Mix, dated 17th October, 1820, in which he urges upon the latter to attend to "the bond," the committee will not undertake to determine.

The attention of General Swift was particularly directed, before the committee, to the discrepancies in the bonds, and also to the two letters from the Engineer Department, in which the contract is alluded to. The explanation which he gives will be found in his testimony, to which the committee refer.

During an investigation relative to this contract, by a Committee of the House of Representatives, in

1822, a copy of the bond was requested by that committee. In answer to which the Engineer Department furnished a copy of the second bond, which had been substituted for the one first given, but, as there was no certificate of the Recorder of New York, approving the sureties on the second bond, a copy of the certificate annexed to the cancelled bond was made, and attached to the copy of the bond furnished. Captain Smith, of the Engineer Department, who attested these copies, has explained the cause of his certifying to this inaccuracy; and to his testimony, in that particular, the committee here refer.

The question still remains, who was the secret partner? But the committee being entirely satisfied that the secret partner was not the Vice President, which was the main question to be decided, will leave the conflicting testimony on the other point with the House, without attempting to decide upon its relative weight.

On the 27th January, 1827, the committee closed the examination of witnesses on their part, except as to one or two who had been summoned but had not attended. On that day the friend and representative of the Vice President was advised that the committee had so closed their examination, and he was also informed by a member of the committee, in its presence, that the committee were unanimously of opinion that the Vice President was innocent of the charge of having participated in any manner in any contract made with the War Department, while he was Secretary of War. The same day, at the instance of Mr. McDuffie, subpoenas were issued for witnesses to appear and testify on behalf of the Vice President. On the 29th of January, the committee received from the friend and representative of the Vice President a paper protesting against the previous proceedings of the committee. Considering this paper as prepared and presented under the sanction of the high officer, in whose behalf it protests, the committee have deemed it their duty to transmit it to the House, but they forbear all comment on its contents.

The committee submit herewith all the testimony they have received during the examination.

The report was read by the clerk.

On motion of Mr. WRIGHT, it was then ordered to lie on the table, and be printed.

*Paper accompanying the report of the Committee on the application of the Vice President.*

To the Hon. JOHN FLOYD:

SIR: The Committee of Investigation, over which you preside, having announced to me, as the friend and representative of Mr. Calhoun, that they have closed the examination of all the witnesses they deem it necessary or proper to summon before them, I should be equally insensible to the claims of private friendship, and the obligations of public duty, were I not to enter my solemn protest against the extraordinary course, and not less extraordinary conclusion, of a proceeding, singularly destitute of almost every attribute of a legal investigation. Even if it should be considered that this committee was instituted, not for the exclusive purpose of sitting in judgment on the specific charge submitted to their examination, but for the additional purpose of exercising, to a certain extent, the functions of an inquisitorial commission, I cannot conceive that there would be any thing in the character of such a commission, that would authorize it to depart

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from the fundamental principles of judicial investigation, and the established rules of judicial evidence; and after wandering at large, through the perplexing mazes of suspicion and conjecture, guided only by the bewildering lights of incompetent and inadmissible testimony, to select the precise point where suspicion ends and legal evidence begins, as the conclusion of their inquiries. But, confidently believing that it was the intention of the House that this committee should assume the solemn character of a judicial tribunal, and that the facts and opinions which they may report to the House will be consequently regarded by the public as having the stamp of judicial authority, I feel impelled, by a profound sense of the duty which I owe to Mr. Calhoun, to the country, and even to the committee themselves, to state, briefly and distinctly, my objections to the course pursued, before it shall be too late to correct or to palliate its injustice. And, in the very outset of my remarks, I cannot but advert to the fact, as strikingly illustrative of the anomalous character of this proceeding, that, with the exception of the solitary question as to the fact of Mr. Calhoun's participation, which every witness has promptly and unequivocally answered in the negative, there is not one tittle of all the encumbering mass of documentary and oral testimony which has occupied the incessant labors of the committee for more than twenty days, that has the slightest pretension to the character of legal evidence, whether we regard it as applicable to the present accusation, or to any other accusation against the private integrity or official purity of Mr. Calhoun. In order to demonstrate this proposition, I beg leave to present, for the reconsideration of the committee, a descriptive and analytical review of the recorded testimony.

It will be recollected that the first three or four days of this inquiry were devoted to the examination of witnesses, professedly produced for the purpose of exculpating the present Secretary of War from the imputation of having any agency, either in bringing forward the charge of peculation against Mr. Calhoun, or in the infamous publication of the equally infamous letter of the yet more infamous instrument of this dark and nefarious conspiracy. It is not my purpose to complain of the course pursued by the committee, in this respect, although it might seem to indicate a more anxious desire to exonerate one against whom no imputation had been made, than to administer speedy justice to the second officer of the Government, when actually on his trial upon a charge of official delinquency, calculated, if true, to stamp his reputation with indelible infamy. But, as the committee have thought proper to make the conduct of Mr. Barbour, in this transaction, a distinct subject of inquiry, I feel constrained to remark, that although I readily exonerate him from any intentional participation in this most insidious attempt at moral and political assassination; yet it is a circumstance much to be regretted, that, in the editorial commentaries by which the publication of the letter of Elijah Mix, in the *Phoenix Gazette*, was accompanied, the name, and office, and official decision of the Secretary of War, were so artfully associated with the charge against Mr. Calhoun, as to give it additional solemnity and importance; and that no measures were taken to have this injurious association disclaimed through the same channel. It is a fact, equally to be regretted, that the Secretary should

have retained in his possession, officially, for three days, the letter containing the charge against Mr. Calhoun, without giving him the slightest intimation of it. And even the verbal declaration made by the Secretary to Col. Johnson, that he believed the charge against Mr. Calhoun to be an atrocious calumny, was not made until a day had elapsed after the publication in the *Phoenix Gazette*, and was only communicated to Mr. Calhoun after he had prepared and sealed his letter to the House of Representatives, and placed it in the hands of a friend. And I must also state, as a fact worthy of notice, that neither in the *Phoenix Gazette* which assumed a semi-official attitude in stating the proceedings of the Secretary of War in relation to the letter of Mix, nor in the notice taken of the publication in that *Gazette* by the *National Intelligencer* the next day, was the fact stated, that the Secretary regarded the charge against Mr. Calhoun as an atrocious calumny.

But to resume the analysis of the testimony, with a view to its immediate bearing upon my opening proposition. After submitting the obvious remark, that all the evidence produced to exculpate Mr. Barbour was not only irrelevant, but immaterial to the pending issue, I will proceed to the examination of that part of the testimony which is intended, as I presume, to bear, directly or indirectly, upon the official character and integrity of Mr. Calhoun. The great mass of the evidence that has so long engaged the attention of the committee consists of the private letters of Major Vandeverter to Elijah Mix, with the explanations to which they have given rise. It is hardly necessary that I should enter in a course of argument, before a committee, of which six, out of seven, are lawyers by profession, to show that these letters ought to have been promptly rejected, as incompetent and improper testimony. Even if it be granted that Mr. Calhoun is now on his trial for every act of his life, official or private, and not merely upon the specific charge referred to the committee, it is perfectly clear that, according to those great principles of evidence, which have been devised by the wisdom, and consecrated by the experience of ages, the letters or declarations of another person cannot be given in evidence against him. Nor is this one of those technical principles, which sometimes mar the symmetry of the law, and have no foundation in reason. There are no principles of our law more deeply founded in wisdom, than those which regulate the admission of evidence. And I will take this occasion to remark, that, next to such an organization of the Government as will secure the effective responsibility of political agents, civil liberty derives its principal security from the establishment and sacred observance of fixed rules of judicial proceeding and of judicial evidence. The opinion entertained by the enlightened sense of modern times, of the inseparable connection between the rules of criminal evidence, and civil liberty, may be clearly inferred from the opposite judgments which posterity has pronounced upon the characters of Sydney and of Jeffries. For, while the name of Sydney is inscribed on the imperishable rolls of fame, as a patriot and martyr, that of Jeffries has, by universal consent, been consigned to everlasting infamy as a judicial monster. And yet, the catastrophe of the victim has excited the sympathy, and the tyranny of the judge the abhorrence, of mankind; principally because the sacrifice was effected by violating

those rules of evidence, in which every member of the community had a common interest, as the only means of securing his life and character against the combined machinations of prostitute informers and profligate rulers. To unsettle and subvert these rules, therefore, under whatever plausible pretext it may be attempted, is to destroy the only substantial security for every thing sacred in life, and, consequently, to inflict a vital stab upon the public liberty. Nor is there any thing in the character or circumstances of the present investigation, that should absolve the committee from the observance of these rules. On the contrary, all history will justify the remark, that there are no occasions in which their rigid observance is so highly important, as when legislative bodies or political commissions exercise judicial powers for the trial of political offences. On such occasions, the strongest of human passions almost unavoidably usurp the seat of judgment; and, unless restrained by pre-established forms of proceeding, and pre-established rules of evidence, the most capricious freaks of despotism and vengeance are perpetrated, in the sacred names of law and justice. Without referring, for illustration, to the lawless proceedings of those inquisitorial tribunals which are at once the reproach and the terror of despotic Governments, or to the shocking outrages committed by the Revolutionary tribunals of France, it would be sufficient to advert to the disgraceful proceedings of the Parliament of England, in cases of attainder, not only to sustain the general principles here presented, but to communicate the most vivid impression of their truth and importance. If these general views evince to the committee the necessity of adhering to the established rules of evidence—and if I have shown that one of the most important of those rules excludes the letters or declarations of a third person under any circumstances—how incomparably stronger does the objection to their admission become, when we advert to the singular and extraordinary circumstances under which the letters of Major Vandeventer have been produced to the committee. In the first place, they are obviously the detached parts of a garbled correspondence. In the second place, they are mutilated and defaced, so as to render their meaning unintelligible as to every purpose connected with the investigation. But what is of infinitely more importance, this correspondence was obviously garbled, and the letters mutilated and defaced, by one of the most artful and consummate villains that ever figured in the annals of human depravity, for the unquestionable purpose of exciting doubts and suspicions, by means of the mutilations and erasures, which could not have been produced by the letters in their original and entire state. It is impossible, therefore, to conceive a combination of circumstances more strikingly demonstrative of the wisdom of those rules of evidence from which the committee have thought proper to depart, than that which exists in the present instance. For it is obvious to remark, that this is a political commission, composed of political men; and, disguise it as we may, I must be permitted to add, without intending to insinuate any thing in the slightest degree disrespectful to a majority of the committee, that they are sitting in judgment on a political opponent, charged with a political offence. And when it is moreover considered, that these garbled and mutilated letters have been produced by the vilest of all that tribe of in-

formers who have been the disgrace and the terror of those countries in which they have been countenanced by the wickedness and profligacy of rulers, a self-condemned and self-immolated wretch, who, in the very presence of the committee, has literally covered himself with "all the multiplying villainies of nature," I cannot but believe that the committee will themselves shrink back with abhorrence from those machinations and devices which they have unwittingly received in the place of evidence, and upon which the characters of incompetency and infamy are so clearly and indelibly impressed. There is one other species of testimony sought by the questions, and placed upon the records of the committee, equally excluded by the principles upon which I have insisted. Hearsay evidence is inadmissible, not only by the code to which we have been accustomed, but by every system of civilized jurisprudence with which we have any acquaintance; and yet the committee, apparently assuming, by a strange complication of issues, that every officer of the War Department who had any agency in forming a certain contract with Elijah Mix, or any interest in it, is now actually under trial, have received and recorded, as testimony, the declarations of those officers, indistinctly recollected, and vaguely and doubtfully stated.

Admitting that it is proper for the committee to assume inquisitorial powers in this investigation, and in that character to ask of the witnesses, not only what they know, but what they have heard from others, it must be exceedingly apparent, that the only excusable purpose, even of an inquisitorial kind, for which such questions could be propounded, is the discovery of other witnesses, by whose evidence the charge might be established. Let us see how far the proceedings of the committee have been conformable to this view of their functions. In the evidence recorded by the committee, Col. Armistead states, in substance, that either Major Vandeventer or General Swift informed him that the latter was concerned in the Mix contract. Upon further recollection, the witness states, that he must have received this information from Gen. Swift himself: for that he remembers to have had a conversation with him, in which the General stated that he had an idea of leaving the army, and becoming interested in some contract with the Government, which the witness supposed to have been the contract in question. He further states, in the same conversation, Gen. Swift informed him that he had asked the permission of Mr. Calhoun to become thus interested. This evidence, if evidence it may be called, is to be regarded in the twofold aspect of implicating Gen. Swift in a criminal participation in a contract made by himself as the agent of the Government, and Mr. Calhoun in a scarcely less criminal connivance at such a participation. So far as it relates to Gen. Swift, common justice requires me to remark, that it is contrary to those great principles of criminal jurisprudence which our forefathers have consecrated by a constitutional declaration, to sit in judgment upon a citizen against whom no charge has been presented; who has no notice that his character is even thus informally implicated, and who, instead of being present to confront his accuser, is wholly unrepresented before the committee.

But, so far as this testimony tends to implicate Mr. Calhoun, the course adopted by the committee is liable to a much stronger objection than that



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merely of receiving, and recording for publication, incompetent and improper testimony. They have evidently closed the investigation precisely where it ought to have commenced, leaving upon the reputation of Mr. Calhoun all the suspicion which illegal evidence could produce, and omitting to summon before them the only witness who could give legal testimony on the matter in question.

Colonel Armistead states, obviously from the recollections of a most treacherous and feeble memory, that General Swift informed him, eight or nine years ago, that he had asked Mr. Calhoun's permission to become concerned in some contract with the Government. This is the only material fact bearing upon the character of Mr. Calhoun; and it must have been obvious to the committee that General Swift was the only witness who could give legal testimony in relation to it. Yet they have declined to summon him on their own motion, no doubt from a view of the subject satisfactory to themselves. The ground upon which I must presume they have acted is the incompetency of the evidence before them, and its utter insufficiency to fix upon Mr. Calhoun any imputation which requires to be refuted. But I must be permitted to say, that the incompetency and insufficiency of the evidence, though a very sufficient reason for rejecting it altogether, is no reason at all for refusing, when it is improperly received and recorded, to produce the only legal testimony by which judicial certainty could be obtained on the subject. Although, therefore, the committee must have acted with a view to impartial justice, the course they have pursued has been precisely that which is best calculated to give the most injurious efficacy to illegal testimony against Mr. Calhoun, and to avoid the conclusive refutation, which the production of legal evidence would undoubtedly establish. To do away the effect of this proceeding, the only alternative left to Mr. Calhoun is to place the most emphatic and unequivocal negative, which I am expressly authorized to do, upon the imputation of his ever having any knowledge or belief of General Swift's participation in the contract, and to call upon the committee to examine General Swift himself, as to the imputed fact of Mr. Calhoun's knowledge and connivance.

Having shown that the entire mass of the testimony produced is legally inadmissible on the trial of any issue which can be made upon Mr. Calhoun's official conduct or moral integrity, it is due to the committee that I should explain my reasons for not objecting to it as it occurred in the progress of the investigation.

Convinced of the absolute falsity of the charges presented, and of the entire purity of Mr. Calhoun's character in all the relations, public or private, in which it can be contemplated, I determined, from the beginning, that I would interpose no objection to any inquiry which the committee might think proper to institute, nor to any description of evidence by which they might think proper to pursue it. Any attempt on my part to restrain the latitude of the investigation, or to prevent the adduction even of improper evidence, would have been construed by the malicious into a desire to screen Mr. Calhoun, behind technical forms, from a full and free investigation. And as I was satisfied that the more severe the ordeal, the more conclusive would be the evidence of the fidelity and zeal of his official conduct; I was the more willing that the inves-

tigation should assume any form which the committee might choose to give it, and be prosecuted by any sort of evidence which they might think proper to admit upon their own responsibility.

But although I had a right, as the personal friend of Mr. Calhoun, to abstain from any interference with the course of the committee, I have no right, considering the relation in which he stands and in which I stand to the public, to sanction, by my acquiescence, a species of unlicensed inquisition, unknown to the jurisprudence of any free country, and which would furnish a precedent utterly subversive of the only effectual safeguards of the reputation of public men in periods of great political excitement.

Having disposed of that branch of the investigation which relates to the imputations upon Mr. Calhoun's official integrity, it remains for me to offer a few remarks upon a view of this subject, which, though not involved in the issue referred to the committee, is evidently embraced in the scope of their inquiries. It has been too apparent to escape the observation even of one less interested than I am to mark the bearings of this investigation, that a very large portion of the testimony can have no other application or object than to call in question the general administration of the War Department, while Mr. Calhoun presided over it, by holding him responsible for the minute irregularities of its subordinate branches, and particularly those of the Engineer Department: While, therefore, the charge is specific and limited, the investigation is general and undefined, and the most obvious principles of justice require that the defence should at least be co-extensive with the attack, whether this be open and direct, or disguised and incidental.

Assuming, then, that the general irregularities of a subordinate branch of the War Department are fair subjects of inquiry, let us see whether the specifications are such as, admitting their truth, will fairly fix any portion of the responsibility on Mr. Calhoun. The contract in relation to which the imputed irregularities occurred, was made the 25th of July, 1818. Mr. Calhoun took charge of the War Department, the 8th of December, 1817; and it is a fact of undisputed notoriety that he found it utterly destitute of organization in almost all its branches, and pre-eminently so in the Engineer Department. The extensive operations and large disbursements of the then recent war, effected under a system of administration having neither organization nor responsibility, had introduced such irregularities and abuses, and caused the accumulation of such a mass of unsettled accounts and unfinished business, that the War Department was actually shunned by several distinguished citizens who were solicited to preside over it, as an Augean stable, holding out in prospect the labors of Hercules, without any portion of his fame. Such being the condition of the Department when Mr. Calhoun became its Chief Officer, and every irregularity which is imputable to the Mix contract, including the omission to advertise, having been common and frequent in every preceding Administration, without any effectual effort to correct them; the injustice of holding Mr. Calhoun responsible for not correcting, in a few months, irregularities which his predecessors had not even attempted to correct in as many years, is too gross to be tolerated for a moment.

It is obvious that the Head of such a Department cannot, upon any rational principle, be made



responsible for a particular instance of irregularity in the details of a subordinate Department. The true point of this responsibility is the general laxity and want of system from which the particular instance arises. If, therefore, Mr. Calhoun is obnoxious to any censure in the present case, it is for the imperfect organization of the Engineer Department on the 25th July, 1818. In this view of the subject, it is to be remarked that he took charge of the Department in December, 1817, at the opening of the session of Congress; left Washington for South Carolina, on indispensable business, immediately after the close of the session in the May following, and did not return until the month of July, only two weeks before the contract in question was closed; and was almost incessantly occupied during these two weeks, in the deliberations of the Cabinet on the military occurrences of the Seminole campaign.

Under these circumstances, the irregularities in question cannot be imputed to him, either in fact or in theory. Coming into a complicated Department, which was almost literally in a state of chaos, nothing but a spirit of official quackery could have prompted him to commence the great work of a general and systematic reformation, before he had deliberately surveyed the working of its disordered machinery, and ascertained both the causes of the existing irregularities and the most effective means of correcting them permanently.

In fact, when it is considered that Mr. Calhoun first necessarily devoted himself to the creation and organization of the Departments of the Quarter Master General, Surgeon General, and Commissary General, under an act of Congress, passed upon his recommendation, in April, 1818, the wonder is that the reformation of the Engineer Department was commenced and completed at such early periods as in fact it was. I cannot believe it possible, therefore, the committee will select the minute irregularities of detail in a transaction which was conducted exclusively by subordinate officers, and of which the irregularities really belonged to the antecedent period of disorder, as criterion of Mr. Calhoun's general administration of the War Department.

Indeed, the very irregularities which we are now considering, are the more striking, because of the perfect organization, responsibility, and system, which Mr. Calhoun has the high merit of having subsequently imparted to all the arrangements and operations of the Department.

Standing in contrast with his own improvements, these petty and subordinate irregularities are exhibited in bold relief to the prying and invidious research of the censorious; and in this way not only the imperfections which he found in the system of administration, but the signal regularity which he introduced in the proceedings of the Department, are made to furnish matter of accusation against him.

As the general industry, zeal, and ability, with which Mr. Calhoun discharged his official duties, are thus distinctly put in issue by the direction which the committee have given to the examination, I claim the right of calling before them all the Heads of the subordinate Departments, who were his able coadjutors in the great work of reform, and of showing by their united testimony the condition in which he found the Department; the fidelity and unremitting labor with which he devoted himself to its improvement; and the high perfection of its arrangements, which crowned his labors with a suc-

cess equally conducive to his own fame and to the welfare of his country. I must, therefore, request that the committee will examine the following gentlemen, touching this branch of the inquiry: Major General Brown, General Thos. S. Jessup, General A. Macomb, Dr. J. Lovell, Col. N. Towson, Col. G. Gibson, Col. G. Bomford, Col. I. Roberdeau, and Col. John E. Wool. If I am not greatly mistaken, it will conclusively appear from their evidence, that the system of rigorous responsibility and strict economy which Mr. Calhoun introduced in the operations and disbursements of the Military Establishment, have effected an annual saving in the national expenditure of more than a million of dollars, to say nothing of the striking improvement made in the moral of the army, as well as in its military discipline and efficiency.

Although the views already presented show the injustice of holding Mr. Calhoun in any degree responsible for the formal irregularities which may have existed in the formation of the contract with Elijah Mix, it is due to the historical truth of the case that I should state, that, in point of fact, no injury resulted to the Government from those irregularities, or from the making of the contract with such a person. On the contrary, it was conclusively shown in the investigation which took place on the subject in the House of Representatives in May, 1822, that, previous to the formation of the contract, notice was actually given, and inquiries made, at all the points where suitable stone could be procured, and that Colonel Armistead, to use his own words, "made experiments, by having the stone quarried near Georgetown by laborers hired by the United States, and found that it could not be procured and carried to Old Point Comfort for less than \$3 50 per perch, together with the great uncertainty of getting vessels to transport it." The testimony of Commodore Rodgers, General Mason, Mr. Baker of Georgetown, and various other witnesses, all concurred in the uncontradicted statement, that \$3 50 per perch was the lowest sum for which the stone could be delivered. And accordingly, \$3 50 was the lowest bid except that of Elijah Mix. It is apparent, therefore, that the contract at \$3 per perch would have been ruinous to Mix, but for "the very unexpected and rapid fall in the price of labor and transportation" adverted to by the witnesses in the former examination. Such was the conclusive force of this testimony in 1822, that the bare reading of it, without a single word of commentary or argument, induced the House of Representatives, by a vote of 131 to 20, to reject the report and resolution of the select committee which recommended a suspension of all appropriations for the fulfilment of that contract. Although, therefore, the character of Mix was, even at the date of the contract, stamped with infamy, the fact was then wholly unknown to Mr. Calhoun, and I believe, to every officer of the Engineer Department; and however much some of those officers may have suffered from having to deal with a man so profligate and unprincipled, it is clear that the Government has actually saved \$75,000 in the whole contract, by accepting his bid. And I cannot but remark, in concluding this part of the subject, that the vigilant regard for the public interest with which Mr. Calhoun has invariably enforced upon Mix the performance of this contract, has evidently brought upon him the infamous calumny which has given rise to this investigation.

I cannot bring this communication to a close without formally and distinctly protesting against

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blending the examination and trial of charges against the subordinate officers of the War Department, with the present investigation. The injustice of such a course to those officers, has been already stated. It would be literally condemning them without trial. The injustice to Mr. Calhoun is equally great, though not quite so obvious. Upon principles of association, which the committee will readily comprehend, it would be visiting upon Mr. Calhoun, by a most severe and cruel dispensation, the guilt of these subordinate officers, established by a mode of proceeding having none of the forms of legal accusation and trial, but assuming the most odious of the prerogatives of those inquisitorial tribunals fortunately known to us only by the history of less favored countries.

Finally: I cannot but express my sincere regret at the extraordinary delay which has characterized this proceeding, and at the great injustice and injury which have unavoidably resulted to Mr. Calhoun from that circumstance alone. It is now more than four weeks since this committee was charged to inquire whether the Vice President of the United States had been guilty of the infamous offence of participating, while Secretary of War, in the profits of a contract made with an individual, by the Department over which he presided. The atrocious character of the charge, and the high station of the individual implicated, naturally excited in every portion of the Union the most lively interest in the proceedings of the committee; and the people of the United States, at a loss to account for the delay upon any other supposition than that some evidence of guilt had been exhibited, have been looking, day after day, and week after week, with the most intense anxiety, for the result of an investigation involving not only the honest name of a public servant, who has been for fifteen years honorably and eminently identified with the political history of the country, but involving also, in no small degree, the reputation of that country—whose rights and whose honor he has so largely contributed to defend, whose character he has so largely contributed to elevate, and whose institutions he has so successfully labored to establish and mature. If, from the high honor and unsuspected purity which have characterized every action of his life, all who know him, whether friends or enemies, have looked with equal confidence to his entire acquittal of the charge presented, it can scarcely be doubted that a large portion of the people of the United States, who do not know him, must have regarded the unexpected procrastination of the inquiry, as a circumstance inexplicable, if not suspicious. And, while I am under the necessity, from the course pursued by the committee, of still farther protracting the investigation, I shall use every effort, in which I earnestly solicit their co-operation, to bring this long labor to a speedy termination.

I have the honor to be, with very great respect, your obedient servant.

GEO. McDUFFIE.

Mr. FLOYD rose, and said, that the report which had just been read, with the single exception of the passage declaring the conviction of the innocence of the Vice President of the charges imputed to him, was from a majority of the committee. After being engaged for forty days in this investigation, he (Mr. F.) had, so far as he could collect the sense of the

committee, framed a report accordingly, which report had not proved agreeable to the majority of the committee. The objection which he had to the report adopted was, that it did not give the true color to the results of the inquiry. The report which he had drafted, and which he held in his hand, and was about to offer to the House, did justice to the views of the minority; and, as an exposition of their views, he wished to present it to the House. Mr. F. said he had gone into this inquiry with a disposition to do ample justice to all concerned in it. The character and conduct of that man, Mix, he said, had been marked, in the investigation, by greater atrocity than had ever been witnessed before since the days of Titus Oates. He would say one word more: during those days when he, and others with him, were stigmatized as "ruthless Radicals," for thinking as he still thought—for disapproving of Yellow Stone expeditions, and enormous expenditures for unnecessary fortifications—he must yet say, in justice to Mr. CALHOUN, that, as regarded the Department of War itself, the then Secretary had been of as much benefit to the country as any man, in similar circumstances, could be. Previous to the year 1818, there had existed the greatest confusion in the organization of that Department. The engineer department had followed the chief of engineers wherever he moved; other branches of the administration of the War Office were but little better arrayed, and there was a general want of responsibility for disbursements of public money. The then Secretary (now Vice President) had, Mr. F. was satisfied, imparted an organization and a regularity to the Department, such as it had never before possessed, and which were highly creditable to him as a public officer.

Mr. F. then presented to the House a paper, as expressing the views of a minority of the committee; and the paper being about to be read—

Mr. WRIGHT said he did not rise to interpose any objection to the proposition of the gentleman from Virginia, (Mr. FLOYD,) but to say a word on the part of a majority of the committee, whose organ he was, in reply to the remarks of that gentleman. He understood the gentleman to say that the paper he exhibited as containing the views of the minority of the committee, contained a clearer view of the transactions of the committee than the report made by the majority.

[Mr. FLOYD explained, that he had not meant to enter into any controversy with the majority of the committee, but merely to say that, as one of the minority of the committee, he did not approve of the color of the report.]

Mr. WRIGHT: The gentleman now says he did not like the color given by the report to the transactions before the committee, and therefore he was induced to offer his project. Sir, said Mr. W., the committee have given no color to the facts detailed in the report. The majority studiously avoided giving any color,

or expressing their opinion on facts relating to other than the direct matter before them. Therein, he said, would be found to be much of the difference between the report and the paper now exhibited. He said there would also be found another difference, which he considered material in such a paper, and he believed a majority thought that the principal objection to the paper offered as a report. That was in this—both papers unqualifiedly pronounced the innocence of the Vice President, and the infamous character of Mix, rendering him unworthy of belief.

The report, when it had asserted that, sought no more to establish the fact by a detailed reference to his testimony. It was not thought necessary or proper to do so. The paper offered asserts the fact of Mix's infamy, and then labors, through many pages, to prove the assertion true, thus wasting its force upon an immaterial matter, and losing sight of the principal matter in view. The paper offered employs many hard and harsh words, in characterizing Mix's evidence, which a majority thought unnecessary, and highly improper in a report of a committee made to this House. They could not add to Mix's infamy, but might detract from the respect the members of the committee felt for themselves and the House. These, I believe, sir, were the principal objections with the majority of the committee, against adopting the paper now offered as their report.

Mr. W. said he had no sort of objection to the gentleman presenting his views to the House, in any way most agreeable to himself, or to any order the House might feel disposed to make on them.

The paper presented by Mr. FLOYD, as expressive of the views of the minority of the committee, was then read, as follows:

The Select Committee, to whom was referred the communication of the Vice President, of the 29th December last, have had the same under consideration, and report:

That the committee convened, as soon after their appointment, as could be done with convenience, to consider the subject referred to them. The first step which they thought it advisable to take, was to inform the Vice President that the committee was organized, and would receive any communication he might think proper to make. This was accordingly done on the 2d of January last; in reply to which the committee received a letter on the 3d, stating, that his communication to the House, of the 29th December last, would make known to the committee his motive for soliciting an inquiry; that he had nothing further to add than to reiterate his desire to have a full investigation; and that, in order to avoid the inconvenience and delay of communicating by letter, he had requested Mr. McDuffie to act as his friend before the committee. Upon the receipt of this letter, Mr. McDuffie was admitted accordingly.

The committee then proceeded to inquire whether there were any charges on file in the Department of War, or any paper or document which went to

show that the Vice President had been, whilst Secretary of that Department, engaged in any contract, or in the profits of which he in any way participated. The result of this inquiry was, that there were no charges, or other evidences, of any kind, against him.

Yet, as a confidential letter, signed by E. Mix, and addressed to the author of "Hancock," who was known to be Major Satterlee Clark, a Paymaster, who had been dismissed from the service whilst Mr. Calhoun was Secretary of the Department of War, for not settling his accounts, as will be more distinctly seen by reference to the testimony of Col. Towson, had appeared in one of the newspapers, printed in this District, and the Vice President, in his communication to the committee, of the 3d of January last, having referred to it, and desiring a full investigation, the committee felt it their duty to examine the whole subject fully and freely, as containing the foundation of his letter to the House of Representatives.

From an inquiry into this subject, it was ascertained that Howes Goldsborough and Elijah Mix were competitors for a contract with the Government of the United States in December last, and, on Goldsborough's arriving in this city, he procured from Major Satterlee Clark, the author of the publication signed "Hancock," a copy of the confidential letter from Mix to the author of Hancock, to be used in depriving Mix of the contract, should he find it necessary.

From this copy a transcript was taken by Wm. F. Thornton, the junior Editor of the *Phoenix Gazette*, and published by him in that paper the next day, which was the 28th of December last, accompanied with his editorial remarks.

This letter of Mix to the author of Hancock is an exhibit among the files of the committee, and was acknowledged by him to be in his own handwriting. The motives which induced him to make this communication, he has himself developed. To extort money seems to have been his aim, without any scruples as to the means by which his object was to be accomplished.

From a view of the whole evidence on this part of the subject, the committee are unable to find any thing warranting the belief that the officer at the head of the Department of War had any agency in the publication of this letter in the *Phoenix Gazette*.

It is due, however, to Mr. Calhoun, that the committee should state, that his communication to the House of Representatives was founded exclusively on the publication in the *Phoenix Gazette* of the 28th of December, and that the facts assumed in that communication, viz: That the letter of Mix to the author of Hancock had been made the basis of an official act, and would, of course, be filed among the records of the Department, were professedly stated; the first upon the authority of that paper, and the second as an inference from the statement contained in it.

In the early stage of this investigation, the committee discovered, from the letter of Major Vandeventer to E. Mix, dated the 7th of August, 1818, and to which they refer, that a person whose name was to have been kept secret, was interested in the contract commonly called the Mix, or Rip Rap Contract.

On making this discovery, the committee felt bound, if possible, to bring to light this hidden as-

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sociate; and in following up their inquiries, they have been led into a much wilder field than could at first have been anticipated. They have, in short, found it necessary to go thoroughly into the origin and history of the Rip Rap Contract, which involved the necessity of summoning numerous witnesses from distant parts, who were believed to possess knowledge of this contract; consequently requiring much time for their examination.

The committee are, however, unanimously of opinion, that there is nothing in the evidence to warrant a belief, or even the slightest suspicion, that the Vice President was interested in any contract made with the Department of War, whilst he was entrusted with the discharge of its duties, or that he, either directly or indirectly, participated in the profits of any such contract, or that he connived at such participation in any of his subordinate officers.

From the prominent figure which Elijah Mix makes in this transaction, throughout, occupying the twofold attitude of an informer and a witness, seems to command of the committee a direct expression of the opinion they have formed of his general character for veracity, as well as of the specific opinion they have formed in relation to some of the most prominent parts of his testimony.

On the subject of his general character for veracity, they have no hesitation in saying, that he is entirely destitute of the slightest claim to be believed upon his oath.

They have come to this conclusion, not only from the testimony of respectable witnesses, going to establish the general infamy of his character, but from the total disregard for truth which he manifested during the progress of his examination, and the numerous contradictions in which he involved himself whilst giving in his testimony in the presence of the committee.

Without attempting to detail the numerous instances in which it is apparent to the committee that he has sworn to wilful and deliberate falsehoods, they have confined themselves to those parts of his testimony which demand a separate and distinct consideration on other grounds.

On his first examination, he produced a letter written by Major Vandeventer to him, dated the 7th of August, 1818, commencing with the following mutilated sentence: "I am very sorry that the —, who are concerned in the contract, will not agree to admit George on the terms you have stated."

The letter then goes on to state, that the writer (Vandeventer) had informed Major Cooper, his father-in-law, that there was one other person concerned in the contract, whose name was not to be mentioned; and the letter seems to be designed to prevail upon Mr. Cooper to become one of the sureties for the fulfilment of the contract, without the condition, on which it appears he was insisting, that his son George should have one-fourth of the contract. Mix states that this letter was obliterated when he received it, and that he does not know what were the words that have been erased. The committee are decidedly of opinion, that the erasure was made by Mix, for the purpose of throwing a mystery over the matter, and of exciting suspicion that the person alluded to in the part obliterated was Mr. Calhoun.

That the obliteration was not made by the writer of the letter is clear, from several obvious considerations. If he had been so desirous to conceal the words erased, the obvious and natural course would

have been, to have omitted them altogether, instead of first writing them down and then making an erasure that rendered the sentence unintelligible.

Another circumstance, that tends to satisfy the committee that the erasure was made by Mix, is the manifest difference between the ink with which the letter is written, and that with which the erasure is made, and the equally striking resemblance between the ink used in making the erasure in question, and that used in making other erasures in the same letter, which Mix acknowledges were made by himself. It is obvious to the committee, that the word "the" is left unobliterated immediately preceding the erasure, in order to raise a suspicion that the word "Secretary," or "Secretary of War," occupied the blotted space which followed: But not understanding the rules of grammar, which, otherwise, is an ingenious device, has left visible the words "who are concerned," immediately after the erasure; from which it is evident that the definite article preceding the erasure must have agreed, not with "Secretary," but with some common substantive in the plural number, such as "the other gentlemen," "the rest of the gentlemen," according to the explanation given by Major Vandeventer. This explanation of the words obliterated, which is almost self-evident, conclusively shows that Vandeventer could have no motive to make the obliteration, and as clearly shows the base motives by which Mix must have been actuated in making it.

If, to these circumstances, we add the oath of Major Vandeventer, that he did not make the erasure, the fact that Mix did is established by a conclusive weight of evidence.

On his first examination, Mix stated that, previous to the 13th of April, 1821, he presented to Mr. Calhoun, among other papers explanatory of his claims, a letter from Major Vandeventer to him, (Mix,) written whilst they were both in the city of New York, dated the 1st of April, 1821, and containing a copy of a confidential letter which Vandeventer had that morning written, from New York, to Mr. Calhoun. In the first instance, Mix stated to the committee that he could not recollect the contents of the confidential letter, farther than that it informed Mr. Calhoun that Mix had been brought to terms, and would consent to the transfer to Goldsborough.

He afterwards, during the same examination, stated that it contained something about Vandeventer's going abroad upon a foreign mission. A member of the committee perceiving that he had a paper in his hand, to which he occasionally referred, asked if that was a copy of the letter in question. He said that it was not a correct copy, but that he had two others at home, one of which was correct, or nearly so. On being requested to give up the paper he held in his hand, he refused, stating that it was too incorrect to be exhibited as a copy. The next day he produced the two other alleged copies, together with the one he had refused to give up the day before. On being asked which of the three was the most correct copy, he said he could not tell, but stated that they were all copied from the original while it was in his possession. He now stated that he lost the letter in the Department of War five or six months or a year before Mr. Calhoun left it.

He further stated, that Mr. Calhoun, in the presence of General Macomb and Captain Smith, of the Engineer Corps, took the bundle of papers, laid

them on his table before him, and said he would attend to them. That he (Mix) retired, but returned, in from five to ten minutes, and wrote a note to Mr. Calhoun from the audience room, requesting either to see him or have his papers returned. That the bundle was presented to him by the messenger, and, on examining it, he perceived that the letter of the 1st of April, 1821, was missing; that he immediately went into Mr. Calhoun's room and stated the fact that a paper was missing, upon which Mr. Calhoun called Major Vandeventer, and asked him if he knew any thing of it. Major Vandeventer answered promptly, no; and Mr. Calhoun, looking sternly, first at Vandeventer, and then at Mix, said he knew nothing of it.

On examining the three copies, they are all found to agree tolerably well in substance, but differ both in the arrangement and construction of the sentences, and in the words used to express the same idea. The composition is evidently that of an illiterate man, who does not understand the rules of grammatical construction.

Major Vandeventer denies, unequivocally, that he ever wrote such a letter to Mr. Calhoun, and also states, that on the occasion alluded to by Mix, when he states the loss of the letter in the Department of War, he had nothing further to do with the bundle of papers than to take them from Mr. Calhoun's table, in compliance with his order, and deliver them to the messenger at the door, to be handed by him to Mr. Mix. He also states that the bundle appeared not to have been opened at all; and Captain Smith also says that Mr. Calhoun was engaged in official business with him during the whole time the papers remained there.

The committee have no hesitation in pronouncing these alleged copies of a confidential letter from Major Vandeventer to Mr. Calhoun, to be gross fabrications, and that the whole story about receiving such a letter from Vandeventer, and losing it in the Department of War, is a tissue of falsehood throughout.

To say nothing of Mix's character, and the positive denial of Vandeventer, both as to the fact of writing such a letter, and as to the fact of taking it out of the bundle in the Department of War, the story is, in itself, so improbable, and contains so many internal evidences of fabrication, that the committee feel bound to reject the papers presented as forgeries.

It appears that Major Vandeventer had gone to New York to prevail upon Mix to consent to the transfer to Goldsborough, and had succeeded in that object by personal communication. It is quite likely, therefore, that he used all the arguments he could suggest in the conversations he had with Mix on the subject, previous to obtaining his consent; and it is particularly to be presumed, that, if he had any thing confidential, he would have communicated it verbally, and not in writing.

Nothing can be more unnatural and improbable upon the face of it, than that he would have formally reduced to writing, and sent to a man who was in the same city with him, confidential matter, which he must have previously stated in conversation, if the whole be not a fabrication. In addition to the improbability of the story itself, the papers presented as copies of the confidential letter have internal evidences of their having been fabricated by Mix. He swears that they were all taken from the original, whilst in his possession. If he had merely

taken copies from the original, it would have been much easier to take a true copy than an incorrect one, and all the objects of copying would be defeated by not making the copy accurate. Now, it is found that all the three copies, taken, as he says, from the same original, differ from each other in the construction, composition, and arrangement of the sentences. But the most conclusive badge of forgery stamped upon the papers themselves, is their composition. They are evidently composed by an illiterate man, who does not understand the art of writing good English, and correspond, in this respect, with the general character of Mix's composition. On the contrary, from the letters of Major Vandeventer, it is obvious that he writes correctly and grammatically. Moreover, it is highly improbable, in the nature of things, that Mix should have taken three separate copies, unless we suppose he had a foresight of its loss; and even if that had been the case he would have taken one correct copy, instead of three incorrect ones. The story relative to the loss of the original is equally improbable, and is accompanied by palpable contradictions. He first stated that he lost it previous to the 13th of April, 1821; and, afterwards, that it was five or six months, or a year, before Mr. Calhoun left the Department of War. That he should have left the papers with Mr. Calhoun, to be deliberately examined, and returned, and asked for them in five or six minutes, can only be accounted for upon the supposition that his object, from the beginning, was to give a plausible face to the story he was inventing.

The whole of his evidence relative to this letter, is contradictory and suspicious. He stated, in the first instance, that one of the copies was nearly correct, but that the one he then had with him was so inaccurate that he would not present it. The next day, when he produced all three of the copies, he could not tell which was the most accurate, or whether the one which he had refused to give up, as being too inaccurate, was less accurate than the rest. That copy, in fact, contains all that the others contain, and is at least equally as full as they are.

The next portion of the testimony of Mix, which the committee think proper to notice separately, is the letter of Major Vandeventer, of the 17th of October, 1820, which he produced on his second examination, with the accompanying testimony, given by him, as to the execution of the second bond. Major Vandeventer had stated that the second bond was executed a short time after the first, to-wit, some time in the early part of the Fall of 1818.

Mix produced this letter of the 17th of October, 1820, written by Vandeventer to him, at New York, in which Mix is requested to "attend to the bond." Seizing upon this expression in Vandeventer's letter, to give color to his story, he swears that the bond was executed in New York about the date of the letter, and that the reference in that letter was to the executing of the bond. After repeatedly swearing to this fact, in answer to several questions, he was asked if he distinctly recollected to have signed the bond, and to have seen the sureties sign it in the latter part of 1820. To this he answered, that he distinctly recollected signing the bond, but not in the fall of 1820. He then admitted, that the second bond was executed a short time after the first. Major Vandeventer states, that the request in the letter of the 17th October, 1820, about the bond, referred to the procurement of the certificate of the Recorder, as to the sufficiency of

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the securities; and General Swift swears, that the second bond was lodged in the Engineer Department in the Fall of 1818, before he left the office of Chief Engineer.

It is evident, therefore, that the whole of Mix's testimony, relative to the execution of the second bond, in 1820, is wantonly and maliciously false, and intended to discredit Vandeventer.

The last piece of the testimony of Elijah Mix, upon which the committee deem it necessary to pronounce a separate and specific opinion, is the letter of Major Vandeventer, of the third of August, 1818, with the accompanying explanations. This letter was produced at the close of his second examination, after he had repeatedly stated that he had no other letters of Vandeventer in his possession. The letter was mutilated in several places by cutting out words; and as these mutilations render the letter unintelligible to a certain extent, the committee feel it their duty to express their opinion, both as to the person who made them, and as to the object for which they were made. They have no hesitation in saying they were made by Mix, for the purpose of exciting suspicion against Mr. Calhoun, and that he is not to be credited when he says that it was done by Vandeventer. That the House may have the means of estimating the character of this witness, the committee have thought it expedient to state, briefly and distinctly, the circumstances connected with this part of his testimony. Near the close of his last examination, he voluntarily stated to the committee, that, since his first examination, Major Vandeventer had come to him, and requested to know whether he could find the letter of the 3d of August, stating that he desired permission to cut out or erase certain words that were in it; that he (Mix) found the letter the next day, and carried it to Vandeventer, at the Department of War, who requested him not to speak about it there, for that they were watched, and would be overheard, and proposed to go to the house of Mix that night, to converse with him on the subject; that Vandeventer came to his house, accordingly, and prevailed upon him, by importunity, to permit the letter to be mutilated, and that it was mutilated accordingly, by Vandeventer. In answer to repeated questions, seeking to ascertain the words cut out, he always answered that he did not know any thing of them; yet stated that the words cut out, in two separate places, were, he believed, the same.

Major Vandeventer, on being recalled, stated that he had never seen the letter in question since he wrote it; that Mix never had been to see him at the Department of War since his first examination.

Independently of the established infamy of Mix's character, and the positive denial of Major Vandeventer, this story has all the characteristics of a fabrication. Nothing is more improbable, than that Major Vandeventer should have placed himself completely in the power of an enemy, who was using every effort to destroy his character; and, if he had ever done so, he would rather have obtained possession of the letter, and destroyed it, than have left it in the hands of his enemy, just so far mutilated as to excite suspicion, and no farther. For it is to be remarked, that the word "the" is artfully left immediately preceding two or three of the excisions, with the view, no doubt, of making the impression that the word "Secretary" existed in the space cut out; though Mix repeatedly said that he did not

know what were the words cut out. The committee, therefore, cannot entertain a doubt that the mutilations in the letter were made by Mix.

This contract, though formed on the 25th of July, 1818, between General J. G. Swift, Chief Engineer, on the part of the United States, and Elijah Mix, for himself, for the delivery of one hundred and fifty thousand perches of stone, at the Rip Raps, in Hampton Roads, was soon afterwards divided into four parts, as will be shown by the letters of Major Vandeventer, bearing date the 3d and 7th of August, 1818, in the manner following: One-fourth part to Mix, one-fourth part to Vandeventer, one-fourth part to Jennings, and one-fourth part to a person whose name was to be kept secret.

The only explanation on this part of the subject, which it is in the power of the committee to give, is that they believed the erasures and excisions in the letters of the 3d of August, 1818, and the 17th of October, 1820, contained the words of "the General" or "General Swift," as, at the time of writing them, Major Vandeventer believed General Swift was concerned in the contract; which impression he now swears was made by the representations of Mix, and was retained, until pending the investigation in 1822, when the General made oath that he never had been interested in that contract. Mr. Jennings also swears, that he was informed by Mix that Gen. Swift was interested in his contract. Mix also admits that he might have told Vandeventer so.

Immediately after this contract was closed, a bond was given for the fulfilment of its conditions, in the sum of twenty thousand dollars, dated the 5th of August, 1818, and signed by Elijah Mix, George Cooper, Samuel Cooper, and James Oakley. Sealed and delivered in presence of John Martin and Simon Hillyer.

To which is attached the following certificate of the Recorder of New York:

"The sureties having been by me duly sworn, I do hereby approve of them as good and sufficient."

"New York, 5th Aug. 1818. R. RIKER."

Upon this bond's being received at the Engineer Department, an advance of \$10,000 upon the contract was made to Mix, by a draft upon the branch Bank of the U. States at New York. After this period, it was discovered that there were two errors in the bond; first, that it was for the delivery of one hundred thousand perch of stone, instead of one hundred and fifty thousand, which the contract called for; next, that the name of George Cooper was placed in the bond as one of the contractors, when Mix alone was the contractor.

Some time after the date of this bond, it was cancelled, and one formed to suit the provisions of the contract, in all particulars, and was forwarded to the Engineer Department, which second bond was dated the 5th of August, 1818, the same day on which the first was dated. At what precise period this bond was received at the Engineer Department, is not known, but, if the testimony of General Swift and Major Vandeventer is correct, it must have been early in the Fall of 1818.

The sum of \$10,000 was drawn from the treasury, it is supposed, upon a verbal requisition, as there is nothing written upon the subject. This, however, previous to the date of this transaction, was sometimes the case, as appears from the testimony of General Swift, and from the communica-

tion of the Secretary of the Department of War to the committee, dated the 10th day of February, 1827.

The committee think it further necessary to state that the certificate of the Recorder of New York, which was attached to the first or the cancelled bond, is not attached to the second or new bond, but that, when a copy of this bond was sent to a committee of the House, in the year 1822, the copy of the certificate of the old was attached to the new bond, and certified by an officer to be a true copy. The manner in which this irregularity happened, is accounted for in the testimony of Captain Smith. It does not appear, in any part of this inquiry, that the United States sustained any injury, although there were some irregularities.

After taking all the testimony which could be had, calculated to throw light on the subject, the committee feel it their duty to state to the House, that there is nothing in the evidence warranting a belief, or that tends to induce even the slightest suspicion, that Mr. Calhoun was, either directly or indirectly, concerned in any contract made with the Department of War, whilst he was secretary of that department, or that he participated in the profits of any such contract, or that he connived at any such participation in any of his subordinate officers; and that, in their opinion, there are no grounds for any further proceedings.

On motion of Mr. FLOYD, the above paper was then ordered to lie on the table, and be printed.

Mr. SAUNDERS, of North Carolina, moved that the paper referred to in the report of the committee, as containing the protest of Mr. McDUFFIE, on the behalf of Mr. CALHOUN, against certain acts of the committee, be now read.

The Speaker replied, that the motion was not in order, as the report and documents had just been laid upon the table by the House, and ordered to be printed. The motion, however, might be received by leave of the House.

The question being put, leave was granted for the motion; and

Mr. SAUNDERS renewed his motion.

Mr. WRIGHT opposed the reading of this document, unless the other documents accompanying the report were read also. If this were read, he should call for the reading of all the rest.

Mr. SAUNDERS replied, that, should the gentleman do so, it would be for the House to say whether his call should be complied with.

The question was then put on reading the document, embraced by the motion of Mr. SAUNDERS, and negatived—ayes 78, nays 81.

Mr. FORSYTH asked leave to present a petition which had reference to the subject now before the House.

Leave being granted, Mr. F. then presented the following communication:

*To the Speaker of the House of Representatives of the United States.*

WASHINGTON, Feb. 13, 1827.

Sir: I cannot but express my regret, that the Select Committee of the House of Representatives,

appointed on the Vice President's letter of the 29th of December last, have not accompanied their report to the House by a communication of mine, of the 1st instant, explanatory of transactions, as far as I am concerned, in connection with the subject of investigation. Deeming this communication as necessary for that purpose, I herewith transmit it, with its accompanying documents, and pray that it may be received by the House, and placed among the papers presented by the committee, connected with this investigation.

I have the honor to be, with perfect respect, your most obedient servant, C. VANDEVENTER.

The petition was read.

Mr. FORSYTH said that, in presenting this petition, he did not intend to give any statement of his own sentiments in relation to the petitioner. He knew nothing about the testimony to which it referred, whether of an inculpatory or of an exculpatory character. In presenting it, he would only do to this person an act of justice which he would be willing to perform in all similar cases. He concluded his observations, by moving that the petition and accompanying documents be laid upon the table and printed.

Mr. BRENT asked for a division of the motion, and that the question be first taken on laying the petition on the table.

The question was so divided accordingly, and the House ordered the petition to be laid on the table.

The question then, recurred on printing the petition and document; and on this question a debate arose, in which Messrs. WRIGHT, FORSYTH, BARTLETT, CLARKE, STORRS, HAMILTON, WEEMS, LIVINGSTON, FLOYD, and BRENT took part.

The question was then taken on printing the memorial of Mr. Vandeventer, with the documents accompanying it, and decided in the negative, without a count.

#### *Commercial Intercourse with Sweden.*

The House, on motion of Mr. TOMLINSON, went into Committee of the Whole on the state of the Union, Mr. BARTLETT in the chair, on the bill to exempt Swedish and Norwegian vessels and cargoes from discriminating duties.

The bill was read by sections.

Mr. FORSYTH said he should be glad to know why any legislation in this case was necessary, further than to return the duties that had already been paid since the expiration of the treaty. The act of 1824 placed Swedish vessels on the same footing with our own, and he could not see what more was necessary.

Mr. TOMLINSON (Chairman of the Committee of Commerce) said that the committee had considered this case as not coming within the express provisions of the act of 1824, and hence the necessity for legislation. The treaty with Sweden had expired in September last, and on its expiration, the discriminating duties suspended by it revived of course. They had been abolished by the treaty, but, when that treaty expired, the Government of Sweden, through

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its Chargé des Affaires here, had informed this Government that Sweden would continue to observe all the provisions of the former treaty till a new treaty could be formed. The act of 1824 was prospective ; but this case did not fall strictly within its terms. Hence, the subject had been referred by the President of the United States to the consideration of Congress, under the belief, it is presumed, that legislation was necessary. The stipulations of the treaty extended to the colony of St. Bartholomews, and provided that there should be a reciprocity and equality of duties between vessels owned not only by citizens of the mother country, but also by the naturalized inhabitants of that colony of Sweden. It was doubted whether the act of 1824 embraced this case. In our existing relations with another Government, in respect to the colonial trade, it was important that this point should be put beyond doubt, and that Swedish vessels from the island of St. Barts should be admitted into the United States free from discriminating duties, in order to secure to our vessels a like privilege in that island. As Congress was in session, it was, by the committee, deemed expedient that the suspending of the law should be the act of Congress, rather than the act of the Executive.

Mr. FORSYTH said he was entirely satisfied by the explanation of the gentleman from Connecticut, and he would now offer an amendment, in the form of a new section, to the bill.

"Sec. 3. *And be it further enacted*, That so much of the act concerning navigation, and of the acts imposing duties of tonnage or impost on vessels, and articles imported in vessels into the United States, as are contrary to the provisions of the treaty between the United States and the kingdom of Denmark, the ratifications whereof were exchanged on the 10th day of August, 1826, shall be, from and after the date of the ratification of the said convention, and during the continuance thereof, deemed and taken to be of no force or effect."

The President of the United States had sent to the House two other treaties, one with Denmark, and the other with the Republic of Central America. These treaties stipulate for an alteration in the Navigation Laws of the United States, the Laws of Tonnage and Imposts. He did not see that the Committee of Commerce presented to the House any proposition for an act of legislation on this subject, and yet both of these treaties were now in a course of execution. The Navigation Law of the country was openly disregarded, as well as the laws imposing discriminating duties. Now, according to a solemn decision by the House of Representatives, the power to suspend these laws does not belong to the President of the United States. He cannot alter the commercial laws of the country, imposing duties and impost, without the consent of this House. This matter had long since been solemnly argued, and definitively settled. If the amendment which had now been offered should be adopted by

the House, he would then offer another, for the execution of the other treaty.

The question was now taken on Mr. FORSYTH'S amendment, and it was negatived by a large majority.

The bill was then ordered to a third reading.

WEDNESDAY, February 14.

*General Appropriation Bill—Tacubaya Mission.*

On motion of Mr. COOK, the House went into Committee of the Whole, Mr. LATHROP in the chair, on the bill making appropriations for the support of Government for the year 1827.

The question arising on agreeing to the item appropriating 9,000 dollars for an outfit for a Minister to succeed Mr. Anderson, at the Congress of Tacubaya—

Mr. FORSYTH asked the chairman to put the question on filling the blank in the clause just read, with \$9,000. By a document lying on the tables, it appeared that there was an unexpended balance of 81,000 dollars of the appropriation of the last year of 50,000 dollars. Mr. F. supposed an outfit had been paid to Mr. Sergeant, and one to Mr. Anderson. The proposed outfit is for Mr. Poinsett, our Minister at Mexico. The fact that this gentleman had been selected for this mission, had been stated in the public papers. We have just appropriated the sum for his salary as Minister to Mexico, where he is to remain Minister. If this allowance of a full outfit is to be made, there is a sufficient sum at the discretion of the President for its payment. The unexpended balance is chargeable with 9,000 dollars, the salary of Mr. Sergeant, 2,000 dollars salary of Secretary of Legation, add 9,000 for an outfit to Mr. Poinsett, and there is still a balance of 11,000 dollars of the sum originally appropriated. It being apparent that a further appropriation of money was unnecessary, Mr. F. was at a loss to understand the reason of the insertion of this item in the appropriation bill. It might be intended to procure an expression of the opinion of Congress on the amount of the outfit to be allowed, or on the policy of the transfer of our Ministers from Panama to Tacubaya. If either object was contemplated, Mr. F. was unwilling to legislate to afford pretext for a conclusion, however erroneous, that the Representatives of the people were satisfied with the course pursued.

Of the amount of outfit, the President, by the act of 1810, was authorized to determine. He would leave him to exercise this power on his own responsibility. That act permits a year's salary to be given as an outfit—does not require it to be given ; the President may give as much less as he chooses—he cannot give more. In the present case, Mr. F. did not think that a full allowance was justifiable. Tacubaya is within two leagues (six miles) of Mexico, where the Minister resides. The travelling thither, and temporary short residences,



as circumstances might require, could not be attended with serious inconveniences or great expense. He would be unwilling, therefore, to do any thing by which the public should be led to believe that we thought the appropriation proper. Yet, if the President, on his responsibility, allowed a full outfit, Mr. F. certainly would not make it hereafter a subject of complaint.

Mr. WICKLIFFE said that the explanation furnished by the chairman of the committee, (Mr. Cook,) had not satisfied his mind that it was necessary or expedient to make this appropriation of 9,000 dollars, for an outfit to Mr. Poinsett, who is associated with Mr. Sergeant in this new mission at Tacubaya.

First, it is not necessary to appropriate the money, because there is yet left unexpended enough of the 40,000 dollars appropriated at the last session of Congress, to defray the expenses of the Panama mission. If you will allow to Mr. Sergeant his whole year's salary of \$9,000 and outfit \$9,000, equal to \$18,000; to Mr. Anderson his outfit, \$9,000; to the Secretary of Legation, \$2,000—in all, \$29,000; there yet remains the sum of 11,000 dollars, subject to the disposition of the President of the United States. Surely this sum ought to be sufficient to pay the contingent expenses of our Ministers, and Mr. Poinsett's extraordinary expenses for the temporary change which he may find it necessary to make during the session of this congress of nations.

The gentleman from Illinois tells us, that the balance of the appropriation of 40,000 dollars, made at the last session, will be required to pay Mr. Poinsett's salary as Minister associated with Mr. Sergeant in this new mission. This certainly is not correct. By the previous section in this bill, we have appropriated 9,000 dollars for the salary of a Minister at Mexico, who is Mr. Poinsett. Does the gentleman contemplate the payment of a double salary and an outfit to Mr. Poinsett, equal to 27,000 dollars per annum? or does he intend the House to understand that the President will send a new Minister to Mexico? When Mr. Anderson was appointed to the Congress at Panama, he was still regarded as the Minister to Colombia.

But, Mr. Speaker, (said Mr. W.,) I am, in the second place, against the expediency of allowing this outfit of \$9,000. Mr. Poinsett has been required to represent, together with Mr. Sergeant, this nation, in the Congress of Tacubaya, a distance from his present residence of nine miles, and you propose to give him, by this bill, 9,000 dollars besides his salary of 9,000 dollars, for the trouble, expense, and inconvenience he may be subjected to, by a travel of nine miles; and this is done under the name of an outfit. So far as the Minister of Mexico shall be subject to any extraordinary expense, I am willing that a sufficient sum be appropriated to meet that expense, if the 11,000 dollars be not thought equal to that object.

Mr. FORSYTH admitted that he had erred in stating the amount of last year's appropriation; it was \$40,000, and not \$50,000, as has been supposed. This did not, however, affect his argument, which was founded, not on the sum appropriated, but on the unexpended balance of \$31,000. According to his first estimate there was a balance of \$11,000, after allowing full outfit to Mr. Poinsett; as Mr. Sergeant's outfit, and Mr. Anderson's, were yet to be paid, the surplus would be \$2,000, instead of \$11,000. The exact balance could be ascertained, without an examination of the details of the estimate from the Department of State, or the calculations of the Committee of Ways and Means. Mr. F. would be glad to see them. By way of retort on the gentleman from Illinois who had set him right about the \$40,000, he would correct an error of that gentleman, affecting the result of his own calculation. He had charged the appropriation of the last year with an outfit for a Secretary of Legation—Secretaries of Legations receive no outfits.

Mr. F. said he had been asked, if it could be intended to question the right of the heirs of Mr. Anderson to the amount of an outfit. Certainly not. His representatives are entitled to it. If not paid, it must be paid. That estimable man performed a long and dangerous journey: painful, toilsome, and expensive. He fell a victim to the common disease of the climate into which he was sent to perform public service. Surely these circumstances give a claim to pecuniary rewards, as great as any which could be argued in favor of his nominal associate in the mission—who had remained amusing himself in Philadelphia in attending to his private concerns—who remained at home while the Congress of Panama was in session, and was gone to look for it when it is at an end.

Mr. Cook repeated the statement he had made when last up. The appropriation granted at the last Congress, was \$40,000. Of this sum, 86,000 dollars was required for outfit and salary for one year; 2,000 dollars for Secretary, and 2,000 for contingencies, absorbed that sum. The Minister appointed had now gone to his post. He was entitled to \$9,000 outfit, and to his salary; at the end of the year \$9,000 more. The Minister at Colombia was to receive \$9,000, and his Secretary \$2,000; this made 29,000 dollars. The heirs of Mr. Anderson were entitled to receive his salary up to the time of his death. Another Minister appointed to succeed him was entitled to his salary of \$9,000. This absorbed the whole sum already appropriated. The question now was, whether our Minister at Mexico should have an outfit on going to a new mission at Tacubaya. The gentleman from Kentucky, and the gentleman from Georgia, seemed to proceed on the supposition that an outfit was to be allowed much in the same manner with mileage. So many miles travel, so much outfit; but the Government did not proceed on this principle—they wished the diplomatic services should

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be performed at as cheap a rate as comported with the respect due to a public representative of the nation. In securing to such a representative the means of appearing with respectability, they consulted the nation's honor; and so sensible was the gentleman from Georgia of the propriety of this principle, that he had, at the last session, avowed it as his opinion, that the salaries allowed by this Government to their Ministers abroad, were insufficient, and ought to be increased. The object of granting an outfit was to enable a public person, who represented the character and honor of his country at the court of a foreign nation, to appear there in a suitable manner; and to do this, it was indispensable that he should conform, in some degree, to the ideas and habits which there prevailed. Those who had had experience on this subject, would be disposed rather to say that 9,000 dollars was too little than too much for this purpose. In the present instance, our Minister at Mexico would have to go into a wilderness country, where no conveniences or accommodations could be procured, but at great expense. When there, he was to meet the representatives of the United Sovereignities of the southern hemisphere. Under circumstances like these, did gentlemen wish that the Minister of the United States should be placed on a humbler footing than those with whom he was to associate? If they did, he could assure them, and so could any one who was acquainted with the high-toned feelings and lofty character of our Minister at Mexico, that he would never consent to degrade his country in the eyes of all the nations of the South. Was this House prepared to say that he should present himself before that Congress without the means of appearing respectable? He asked, especially, the personal friends of Mr. Poinsett, whether they would consent to this! If they were willing to send him penniless on such an errand, or without enough scarce to pay for his board and lodging, let them refuse to grant the appropriation.

Mr. McCOR went into a calculation to show that there must be a balance of \$11,000 still remaining, out of the \$40,000 appropriated for the Panama Mission, at the last session. But whether or no, he could see no great propriety in allowing an outfit of 9,000 dollars for travelling the distance of only nine miles, to attend "a new court." For his part, he never before understood that there was to be any "new court" at Tacubaya, or that travelling nine miles from the City of Mexico, would bring the traveller into "a new country."

Mr. INGHAM said, if there be any one point on which we have a right to demand of the Committee of Ways and Means to give us minute, accurate, and certain information, it is in those matters which depend on calculation; and I do think, said he, they are bound to satisfy the House, before they can expect support, that their calculations are correct; they have been called upon again and again to furnish the

items of expenditure charged on the fund of \$40,000 appropriated last year, and yet no member seems to understand from the Committee of Ways and Means what those items are; the calculation must certainly be very simple, not involving the slightest difficulty, and yet it is not given. We appropriated last year 40,000 dollars—out of this the following items are to be paid:

Mr. Sergeant's salary and outfit,	-	\$18,000
Mr. Anderson's outfit,	- - -	9,000
Secretary's salary,	- - -	2,000
Contingencies,	- - -	2,000
		<hr/>
		\$31,000
Which leaves a balance of	- -	9,000
		<hr/>
		\$40,000

We have been told that Mr. Anderson's salary as Minister to Colombia is chargeable on this fund, but we find that provided for in the general appropriation bill.

If, as it would seem, the President has at his disposal an unexpended balance of 9,000 dollars of the appropriations of the last year, why is it necessary to give an additional sum. We ought not to put at the discretion of any officer a larger sum than the public services require; and if we look back into the history of allowances for public Ministers, we shall find some of a very extraordinary character, which will furnish good cause for scrutinizing these appropriations hereafter, and confining them to specific objects. The law fixing the compensation of public Ministers declares that the salary shall be 9,000 dollars a year, and that the outfit shall not exceed one year's salary, which shall be "as a compensation for all his personal services and expenses;" the outfit is placed at the discretion of the President, and it has several times happened that when a Minister was sent on a special mission, the President had agreed to allow him his personal expenses, not to exceed an outfit; but in no case that has come under my notice, has an outfit been allowed, and personal expenses *in addition*, until the Ghent Mission. There is a class of expenses, called contingencies, of foreign missions, which is always allowed under appropriations for that purpose; these are for messengers to carry despatches, stationery, postage, newspapers, &c., to which has latterly been added, office rent; but, as the law gives the salary and outfit in full "compensation for all personal services and expenses," it must be a strained construction of it that would admit *all* the personal expenses of a Minister to be paid under the head of contingencies, after he had been allowed a full outfit and salary.

Mr. COOK replied, that the gentleman from Pennsylvania thought that the Committee of Ways and Means had not done their duty, and had omitted to give that particular information which the House had a right to demand. He denied the charge. The Committee of Ways

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and Means had done its duty. It had made a particular statement, and it had stated the truth. The gentleman and his friends had the error on their own side of the House. They all went on the supposition that the salary of Mr. Anderson was paid out of the last year's appropriation; and that the salary of his successor might be used to pay the present outfit. The ground the committee went on was, that money, appropriated for a salary, might not be touched for any other use. If Mr. Poinsett shall accept his appointment at Tacubaya, he cannot touch his salary as Minister to Mexico. The whole must be paid out of the appropriation of the present year. He did not see how calculations could be plainer than those which had been presented to the House; and gentlemen, especially when they themselves were mistaken, should at least be temperate in their manner. The appropriation for salaries was a specific appropriation, and was not left to be abused by the Executive at his discretion.

Mr. McCoy remarked that this was mere matter of opinion. He thought the gentleman might satisfy the House, if he would show out of what fund the salary of Mr. Anderson was to be paid. As to Mr. Sergeant's salary, it did not commence till October last.

Mr. McDuffie said, that the gentleman from Georgia had stated, as the question, that which was not before the House. The question was, whether the House should make the appropriation before the President of the United States could be allowed to pay Mr. Poinsett, or whether there must be authority of law before he could be paid? The present appropriation, it would be recollected, did not come under the general law of outfits.

The question was then taken on agreeing to the appropriation, and decided in the affirmative—ayes 71, noes 67; when the committee rose and reported.

THURSDAY, February 15.

*The Mission to Tacubaya.*

The House then proceeded to the unfinished business of yesterday; being the appropriation of 9,000 dollars for an outfit to the Minister to succeed Mr. Anderson at the Congress of Tacubaya.

Mr. CARSON said he was opposed to the Panama Mission at the last session of Congress, and had seen nothing to diminish his objections to it, but much to increase them. The policy of the measure was not now under discussion, but it came before us again on a proposition to appropriate \$9,000 for an outfit to the Minister appointed to go from the City of Mexico to the village of Tacubaya; in other words, to give a gentleman \$9,000 for travelling about nine miles, who, at the same time, would be under pay at the rate of \$9,000 per annum. I am against the appropriation. This mission has cost us enough already. Forty thousand

dollars were appropriated at the last session, and the present sum is to be in addition to that. Besides that, the sloop of war *Hornet* has been fitted out to carry Mr. Sergeant to Vera Cruz, who had already been paid \$9,000 to carry himself; and men acquainted with naval affairs say, that the expense of fitting up this vessel, and keeping her at sea the length of time necessary to carry out Mr. Sergeant and return, cannot be less than from \$30,000 to \$50,000. Here, then, is nearly \$100,000 already expended on this abortive mission, which is enough, in my opinion, to be wasted on one of the idlest projects that ever was conceived. So much for the expense; but I wish to remark upon the strange inconsistency which I have witnessed upon this subject, in the short space of two sessions, from the leading supporters of this measure. At the last session, when certain movements were made in this House to stimulate the tardy deliberations of the Senate, and a call was made upon the President for certain information, gentlemen said the information was indispensable to enable us to judge of the propriety of the appropriation; now, the same gentlemen hold us bound to vote the appropriations without the least exercise of judgment on our part. They say the President and Senate have instituted the mission, and that we, the representatives of the people, are bound to vote the money to carry it into effect. As one of these representatives, I protest against such doctrine. We are the peculiar, and I might say, the exclusive representatives of the people in matters of revenue. Money bills must originate in this House. Every new tax must have its origin here; but what would become of this right to originate taxes and money bills, if we are bound to raise all the money which the President and Senate may think proper to demand? Certainly we should have no option. We should no longer be voluntary agents, to raise money or not, according to our own judgment, but mere machines in the hands of the President and Senate, to be worked at their pleasure. Sir, I dislike the manner of carrying on this mission as much as the mission itself. We all remember the loud complaints of the President and all his advocates, because the Senate took time to deliberate last Winter. We were then instructed to believe that the most calamitous consequences would result, if the mission did not depart forthwith; yet, when it was sanctioned by the Senate, and \$40,000 voted by us, and a ship of war prepared at a great cost, the mission lingered at home for seven or eight months, and two of its members engaged in important elections as the Administration candidates. One, unhappily, lost his life by being ordered to a sickly place to wait for his colleague, which colleague was electioneering, not for the Congress at Panama, but for the Congress at Washington city; and when this election was lost, then, and not till then, was he ordered to depart. We are informed, that

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one of these gentlemen did not receive his salary till near the time of his departing, but it is admitted that the other did. Yes, sir, it is admitted that the Secretary of the Panama Mission was receiving his \$2,000 a-year, while engaged in an active canvass in New York, as the administration candidate for Governor of that State. But, sir, where is the invitation to this Congress at Tacubaya? Mr. Poinsett, in his despatch to the Government, presented among our documents, and now on our tables, tells us, that by the Treaty of Union, League, and Perpetual Confederation, signed at Panama, new invitations were to be given to the neutral and friendly powers, to send Ministers to Tacubaya. The Confederacy of course were to send without invitations. Now, sir, we have had no such invitation; and if we are to be considered as neutral and friendly, we ought to have it; if as a confederate, the people of the United States ought to know it. It would be a pity that our Minister, in his laced coat and waving plumes, should be told that he had no invitation, and must retire.

I say, Mr. Speaker, that we are not invited to this new Congress, and I think it probable that the Congress itself will never be found. Look at the changes which are going on in South America. Two of the republics which invited us a year ago, have ceased to exist as such. Colombia and Upper Peru have lost their constitutions, their form of government, and one of them its very name. Bolivar commands them, and it is immaterial by what title, whether liberator, or dictator, or imperator; he is, in fact, the king of Colombia and Peru, and more absolute than any monarch in Europe. It was with this man that the project of a Congress at Panama originated, and with a change of destiny in him the project may die. Why not wait for the promised invitation? Why not wait for the result of Bolivar's operations against the freedom of his country? Why this haste, after so much delay? Sir, I see nothing but waste and folly in this mission. Every step is a new expense. Not less than four outfits of \$9,000 each to be paid, and, as Mr. Poinsett vacates his present appointment to receive another, he, or his successor, will be entitled to another on repairing to Mexico. I trust that some friend of the President will be able to show that there is some object in this expenditure of \$100,000. I call upon them to show how the people are benefited by it to the amount of one cent.

Mr. BRENT said he had risen for the purpose of correcting the gentleman from North Carolina, (Mr. CARSON.) That gentleman had said that the Government had been at the expense of fitting out a public vessel to carry out Mr. Sergeant to Vera Cruz, and that the cost of this expedition could not be less than from thirty to forty thousand dollars. Now, if the gentleman would take the trouble of looking at the documents from the Navy Department, he would see that no vessel was fitted

out for this purpose. The vessel employed was already in the service; her cruising ground was in those seas; and all that was done was to require the commander to touch at Vera Cruz, and land the Minister.

[Mr. CARSON admitted that he might have been incorrect as to the particulars of this subject. It would be remembered that he had expressly said, his information respecting it was derived from others.]

Mr. BRENT went on to state, that the gentleman was incorrect in another respect. He had said that he considered it necessary to state to the people the great expenses to which the President had run the nation by not sending the Ministers in proper time to the Congress of Panama. The gentleman ought to remember, that it was the persevering opposition of himself and others who acted with him, that was the cause of this delay. They had trammelled the President, and had kept on opposing and discussing the measure, until at length the Congress of Panama had adjourned. It adjourned to meet at Tacubaya, and to what place could the Ministers have been sent, sooner than the President did send them? The fault must rest with the gentleman and his friends, if the country suffered any injury from the delay. It could not be charged on the Administration. As applied to them, the gentleman himself could not but know that the accusation was unfounded, and this the nation knew also.

Mr. BURGESS said he did not often call on the patience of the House, and he hoped, therefore, they would the more readily give him their attention. I will not long detain you, sir, (said Mr. B.,) for our time is too important to be consumed in protracted debate. The question before the House is, Shall the blank in this bill of appropriation be filled with nine thousand dollars? The object of placing this money at the disposal of the President, is, to enable him to compensate Mr. Poinsett, now Minister residing at Mexico, for new expenditure in the new services allotted to him, as Minister to the Congress of American nations about to assemble at Tacubaya. He will continue to hold his station of Minister Plenipotentiary at Mexico, and perform the duties of Ambassador to this Congress, in addition to those of that station. He fills a place made vacant by a Providential dispensation, in the death of Mr. Anderson, late Minister Plenipotentiary of this nation to the Republic of Colombia, and Diplomatic Minister from these United States to this same Congress of Panama. Mr. Sergeant is colleague with him in this important mission. This last gentleman receives an outfit of nine thousand dollars, with a like sum for his per annum salary. Mr. Anderson had the same outfit and the same salary; for, although he lost his life before the close of the year, yet it is presumed that as he had entered on his mission, and died in the service of the United States, these sums will be paid to his family. The Secretary of Legation, Mr. Rochester, has entered upon ser-

vice in this mission, and his salary will be a charge on the appropriation of last year. The honorable gentleman from North Carolina has objected to the filling this blank with this or any other sum, because the mission is useless, and will, as it already has, lead to a great expenditure of the people's money. This question is not now before the House; for the Executive branch of the Government determined, last year, and the people were highly gratified with the determination, to send this mission; and this House, in aid of that determination, voted to appropriate the sum of forty thousand dollars, on account of this mission. The only question is, therefore, has this appropriation been exhausted? and if it has not, can the Executive convert that unexpended balance to the furnishing Mr. Poinsett? or must there be a new appropriation for this new purpose?

This fund is already charged with two outfits of nine thousand dollars each; two salaries of like amount; together with the salary of the Secretary of Legation, two thousand dollars; leaving only a sum equal to this last item to cover all contingent expenses of this mission. These expenses have been always charged by our foreign Ministers; and the Government have, from its commencement, always allowed and paid them. They have, for each Minister, amounted to about one thousand five hundred dollars a year. No part of the appropriation of last year, therefore, remains unexpended. For, although thirty thousand dollars are now in the treasury, being part of that fund, yet the whole is due to those who have been employed in that mission. If, however, it were all there, it has been clearly shown by the gentleman from South Carolina, (Mr. McDuffrie,) that the Executive could not apply it to this purpose, nor meet this new expenditure, without a new appropriation for this purpose: for, if no money can be paid for any purpose, without an appropriation by law, much less can money, appropriated to one purpose, be, by the Executive, diverted from that purpose, and converted to another. The appropriation of last year was made to cover the contingent expenditures, the outfits, and salaries, of Mr. Sergeant, Mr. Anderson, and their Secretary of Legation. If, therefore, Mr. Poinsett, the new Ambassador to this Congress, be paid at all, it must be by a new appropriation.

Mr. CARSON rose again, to reply to the gentleman from Louisiana, (Mr. BRENT.) He said, that the gentleman from Louisiana had undertaken to correct him on matters of fact, and had proved his own want of knowledge in the attempt. He had ventured an excuse for the Administration in not sending out the Panama Mission during the last summer, and attributed the delay to the opposition, who had consumed the time in debate. But such was not the fact. The Panama Congress did not meet until the 22d of June, and the mission had been sanctioned by the Senate as early as the middle of March, and the appropriations were made in April, and

might have been made earlier, if the time of the House had not been consumed by the supporters of the Administration in lauding the measure, and waiting for the President's labored reply to the Senate, which fell dead-born from his mouth. There was time enough for the Ministers to have got to Panama at the opening of the Congress, and certainly before the treaties were signed, which was done late in July. But they neither got there, nor attempted to get there. They never started. They did not know whether they had time enough or not. They remained in this country, and went to electioneering; and it does not become the President, or his supporters, to say they had not time to go there, when they made no attempt to use the time which lay upon their hands. If Mr. Sergeant had been elected to Congress, and Mr. Rochester Governor of New York, they would not have gone at all: for the offices would have been double and incompatible, and to hold both would have been unconstitutional. The fact of being candidates, and of waiting until the elections were over, and themselves defeated, proves that they would not have gone if they had been elected; and further proves, that they waited for the elections to be over, and not for the Opposition to cease speaking. The gentleman from Louisiana has undertaken to set me right about the voyage of the *Hornet*, and the expense of sending her to Vera Cruz with Mr. Sergeant. Unhappily for himself, he has missed the facts in both attempts to correct me. I asserted, that the *Hornet* went to Vera Cruz, and returned to the United States: he alleges, that she merely touched at Vera Cruz and continued her voyage according to her original destination. Such a peremptory statement called upon me for a re-examination of the grounds of my knowledge, and I now re-affirm what I first said. The *Hornet* did not proceed from Vera Cruz upon any other voyage. She returned direct to Norfolk, having been fitted out and sent to sea for the sole purpose of carrying Mr. Sergeant to Vera Cruz, who had been previously paid 9,000 dollars outfit to carry himself there, and was under pay at the rate of 9,000 dollars per annum. The expense of this naval transportation is to me unknown. The gentleman from Louisiana undertakes to controvert my statement of it; but after the proofs of fallibility which he has given in other particulars, it is not for me to yield any thing to him in this instance. My statement is bottomed upon the opinions of naval men, and old members, who believed that an expense of from \$80,000 to \$50,000 must have been incurred in sending the *Hornet* upon this service. I return, then, to my first assertion, that this abortive mission has cost the United States nearly 100,000 dollars, and cannot bring them one cent's worth of benefit in return! And am I to be contradicted for telling the people these things? Am I to be denounced for exposing to their view such a profligate waste of their money? Am I to be called a "factious oppositionist" because I

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will not vote these enormous sums! I have read such denunciations, and I despise them. They will not prevent me from doing my duty; they will not prevent me from looking into the measures of the Administration; they will not prevent me from holding up to the indignation of the people a vain, fantastic, ridiculous, and abortive mission, which has cost them one hundred thousand dollars!

Mr. BRENT said he was sorry any misunderstanding should have occurred as to facts. The gentleman must have misunderstood him: for he would not suppose he wished to misrepresent him. He had not stated that the Congress of Panama had adjourned during the period of the discussion in this house, but only that the discussion had produced a delay which prevented our Ministers from attending that Congress. The Congress at Panama adjourned to Tacubaya during the Summer. The Executive already knew that it was so to adjourn when the bill passed this House providing for the mission. As to the Hornet, the report of the Secretary of the Navy would show that that vessel was already in commission and under cruising orders.

Mr. DWIGHT said, that the Committee of Ways and Means, in making the report of an outfit for the Minister to Tacubaya, had been governed by no other considerations than those of the duty they owed the country in supporting its important diplomatic relations abroad; and this implied an obligation on their part to the House, to explain the necessity of the intended appropriation, and the consequences, should the appropriation be refused to that mission, which had so recently received the sanction of the other branch of the Legislature.

It was a mistake in gentlemen to suppose that the Committee of Ways and Means felt any other anxiety on the subject than that which resulted from a desire to fulfil its own duty in presenting the question to the House. When they had presented to the House the information upon which it was required to act, they had done all that could be required of them, and the action of the House upon that information would, and ought to be, entirely satisfactory to them. He would observe, however, that at the time the specific sum now in the bill was recommended by the committee as an outfit to the Minister to Tacubaya, neither the committee nor the House could have known that the gentleman who then represented this country at the court of Mexico would be required to represent it also at the Congress of Tacubaya. The President had thought proper to nominate that gentleman; the Senate had confirmed the nomination; and, so far from this being bad economy, as some gentlemen seemed to suppose, it was apparent that if any gentleman now in the country had been nominated, we should be called upon to appropriate for this object 18,000 dollars, instead of the outfit proposed. The present Minister could only receive one year's salary for his services

on both the missions, whereas any other person would have been entitled to a salary and an outfit. Gentlemen, then, he was persuaded, would see in the proposed arrangement, that just regard to a wise and frugal expenditure of the public money, which some had unjustly suggested the absence of.

In reference to the unexpended appropriation of last year, he insisted that gentlemen who had alluded to that, as a fund out of which the present outfit could be taken, were entirely mistaken, both as to the balance of the fund itself, and the operation of law in regard to that fund. It was true that forty thousand dollars had been appropriated at the last session, for the mission to Panama, and that the Congress at Tacubaya was but an adjourned meeting of the Ministers to the former one.

But gentlemen could, for themselves, consult the provisions of the appropriating act of 1824, and they would see that the sum therein appropriated, was set apart to the particular objects enumerated in the act. There were two outfits and two salaries, each of \$3,000, making

	\$36,000
Salary of Secretary, - - - -	2,000
Contingent sum, - - - -	2,000
Making	\$40,000

Now, if it should appear that no outfit remained of that appropriation, out of which the present sum could be paid, gentlemen must admit the propriety of the present appropriation, or be reduced to the necessity of denying altogether the expediency of giving to Mr. Poinsett any additional compensation for the new and arduous duties imposed upon him by this additional mission. Does any outfit remain of that appropriation, he would ask? An outfit and salary had been paid to Mr. Sergeant; and unless gentlemen would be guilty of refusing to Mr. Anderson, or his heirs, just compensation for his efforts to make the journey from Colombia to Panama, in which he sacrificed his fortune, his health, and finally his life, they cannot pretend there is any thing left of that appropriation out of which this outfit can be paid. He need not remind gentlemen that the law forbids money appropriated to one object to be diverted to another. This was a salutary principle; and if any thing remained of the appropriation alluded to, it would pass to the surplus fund. If any thing does remain, it must be a part of that which was appropriated for a salary, and cannot now be taken for an outfit. He assumed that Mr. Anderson was paid his outfit; if not, it can make no difference, as he was unquestionably entitled to it, and it may be claimed by his heirs or legal representatives.

Mr. WILLIAMS, of North Carolina, said he never was in the habit of opposing appropriations which he considered necessary to the due administration of public affairs; but he could not consider the present as such an appropriation. Could it be that Tacubaya, at only three

leagues distant from the ancient City of Mexico, was situated in a new country? Could it possibly be necessary to provide nine thousand dollars to meet the expense of travelling nine miles? To him it appeared wholly unnecessary; and believing this, he was opposed to the appropriation.

Mr. BLAIR said, that the real question before the House was, were we now satisfied that such hardships existed in Mr. Poinsett's case as to justify the indirect repeal of the act of Congress, passed in the year 1810, so far as it operates against allowing to him an outfit? It will be recollected that that act only allows to a Minister an outfit "upon his going from the United States to a foreign country," in that character. Mr. Poinsett is not going from the United States to a foreign country, and cannot legally receive an outfit, whilst that act of Congress remains in force. I have been led to inquire into the circumstances in which Mr. Poinsett will be placed on his assuming the new station conferred on him, as well as the expenses incident to that change; and I can see nothing that would justify excepting his case from the general operation of the act in question. Mr. B. said he would inquire what gave rise to the authority of allowing to a Minister an outfit? Surely, it was for the purpose of enabling him to defray the expenses incident upon his travel to the foreign court. Can it, then, be seriously said, that the same consideration should be paid to Mr. Poinsett for travelling ten miles, that you pay to other Ministers who leave the United States, and are subjected to the expense of travelling thousands? That would level all distinction between the different services as well as the expenses of our diplomatic agents. But the gentleman from Illinois, who is at the head of the Committee of Ways and Means, asks, if we do not wish to furnish our Ministers with the means of presenting themselves with becoming dignity at foreign courts? I answer for one that I do; but I am unwilling to do indirectly what I would not do directly and openly, or take from the Treasury by stealth, and add to their salaries under a different name. If the salary is too low to justify our Ministers appearing at foreign courts with becoming dignity, the fair course of legislation would be to amend the general law which governs that salary, and not attempt in an appropriation bill, to make an exception in favor of any individual. If gentlemen who complain of the inadequacy of the salary will propose a general remedy, and satisfy him of the propriety of it, he would go with them, as he was entirely willing to allow the necessary compensation to all public officers; but he would not consent to repeal the provisions of the act of Congress in so indirect a manner as that now contemplated. We have been told by the gentleman from Massachusetts, (Mr. DWIGHT,) who is a member of the same committee, that the Executive Government has construed the act of 1810, so as to allow an outfit to a Minister, as well upon his removal from

one court to another, as "upon his going from the United States to a foreign country," and has called upon this House to sanction that construction. I answer the gentleman, that I cannot adopt that construction, because I believe it to be in direct violation of the plain, positive language of the law, than which none could be more clear. Mr. B. said that very much had been said respecting the accounts of Mr. Monroe and Mr. Adams, when acting as foreign Ministers, all of which he believed to be without the scope of the present inquiry; and if they proved any thing more than the abuses which had crept in under the custom, of which mention had been made—custom founded upon "Executive construction"—he was incapable of seeing it. The allowance of Mr. John A. King's account, as *Chargé*, had also been mentioned as another instance of "Executive construction" in the payment of outfit. Believing, as I do, that these examples can furnish no light in deciding upon the present question, I pass them over with the remark, that, as to the account of Mr. King, I will notice it at a more convenient season. Mr. B. said that he wished it distinctly understood that he did not vote against the present proposition to allow to Mr. Poinsett an outfit of nine thousand dollars, on the ground suggested by some gentlemen who had partook in this discussion—that of there being an unexpended balance of the appropriation of the last year, to which the President had the right to resort, if he chose to pay Mr. Poinsett the outfit of a Minister; but because he did not believe him entitled to it, from the very inconsiderable distance to be travelled by him. Mr. B. said that he could not vote for the proposed amendment on another ground, namely, that it was avowed as an increase of salary when, to render it the more palatable, it was called outfit; and because he was unwilling to pay any officer of this Government one thousand dollars per mile for travelling.

Mr. KREMER rose to call the attention of the House to the origin of this appropriation. What was the language held by the advocates of the Panama Mission, when that measure was first introduced? They told us that the expense attending it would be of but short duration, and that all that was valuable would be the result. The child was not to live more than six months, and was then to be hurried to the grave. But now a year has elapsed, and the child is again to be washed and swaddled, at an expense of nine thousand dollars. What do they tell us now? Oh, it becomes a great nation to support its dignity. And is it come to this? Will you, even in the green tree, show your greatness by pride and extravagance? Are we to be told that this House has nothing more to do than to register the acts of the Executive? The President has willed; the Senate have responded; and I am told that therefore the purse of the nation is to be open? He called upon gentlemen to pause before they went on to strike

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at the very foundation of republican principles. For his own part he never believed in this mission: he never believed that any good would come out of it: he never had believed that the country was to ascend to heaven by sending Ministers to Panama; he never had believed that we should be put at the head of that assembly; it now appeared that we were rather at the tail.

Government had heard that invitations were to be sent to neutral powers; but they had gone on appointing and sending Ministers, without waiting to receive any invitation. The advocates of Monarchy, however, would maintain that these Ministers were to be furnished in the most profuse manner. They would meet the servants of great monarchs; and they would say to them, my master knows his duty, and furnishes me accordingly. For his part, he still hoped there were some few remains of old-fashioned economy; and that our Ministers would appear as became the Ministers of a plain Republic. The deputation mania seems to have seized the nation—the diplomatic corps kept on increasing, and though some of them, when they left the shores of this country, might be pure in principles, and plain in habits and manners, they soon became corrupted, and came back enamoured with what they had seen in the courts of monarchs. Need he tell any who heard him, that the present Chief Magistrate went away from this country a republican in principles and habits; but while remaining at the Court of St. James, had become so enamoured that he declared the monarchical Government of that country was the most stupendous fabric of human invention; and if any man would now go to the President's house, and look at the grandeur of the furniture, and the luxury which appeared on every side, he would see the effects of a residence at foreign courts. The question was then taken on filling the blank in the bill with 9,000 dollars, and decided in the negative, by yeas and nays, 45 to 119, as follows:

**YEAS.**—Messrs. Bailey, Badger, Bartlett, Barney, Brent, Burges, Cassidy, Cook, Crowninshield, Davis, Dorsay, Dwight, Edwards of Pennsylvania, Everett, Gurley, Herrick, Ingersoll, Jennings, Kittera, Lathrop, Locke, Martindale, Mattocks, McDuffie, Mercer, Miner, Newton, O'Brien, Pearce, Reed, Sands, Sill, Sprague, Storrs, Strong, Swan, Tomlinson, Tucker of New Jersey, Vance, Varnum, Vinton, Whipple, White, Wood of New York, Woods of Ohio—45.

**NAYS.**—Messrs. Addams of Pennsylvania, Alexander of Virginia, Alexander of Tennessee, Allen of Mass., Alston, Anderson, Angel, Archer, Armstrong, Ashley, Baldwin, Bartley, Barber of Conn., Barbour of Virginia, Barringer, Bassett, Baylies, Blair, Boon, Bradley, Bryan, Buchanan, Buckner, Campbell, Carson, Cary, Claiborne, Clarke, Cooke, Conner, Crump, Davenport, Deitz, Edwards of North Carolina, Estill, Findlay of Pennsylvania, Findlay of Ohio, Forsyth, Forward, Foedick, Garnsey, Garrison, Govan, Harris, Harvey, Hasbrouck, Hayden, Henry, Hines, Hobart, Hoffman, Holmes, Houston, Hugunin, Humphrey, Ingham, Isaacs, Johnson of New York, John-

son of Virginia, Kidder, Krebs, Kremer, Lawrence, Lecompte, Letcher, Little, Long, Marable, Markell, Markley, Marvin of New York, McCoy, McHatton, McKean, McKee, Merriwether, Mervin of Connecticut, Metcalfe, Miller of Pennsylvania, James S. Mitchell, John Mitchell, Mitchell of Maryland, Mitchell, of Tennessee, Moore of Kentucky, Moore of Alabama, Orr, Owen, Peter, Phelps, Plumer, Polk, Powell, Ripley, Rives, Ross, Saunders, Sawyer, Scott, Shannon, Sloane, Stevenson of Pennsylvania, Tallaferrro, Taylor of Virginia, Test, Thompson of Geo., Thompson of Ohio, Tucker of South Carolina, Van Horn, Verplanck, Wales, Ward, Weems, Whittemore, Whittlesey, Wickliffe, Williams, Wilson of South Carolina, Wolf, Young—119.

So the House refused the appropriation of 9,000 dollars for an outfit for Mr. POINSETT as Minister to Tacubaya.

Mr. BUCHANAN and Mr. COOK then both rose to claim the floor. Mr. COOK obtained it, and moved to fill the blank for this outfit, with \$4,500.

On this question, Mr. KREMER demanded the yeas and nays, but the House refused to order them, (ayes 25, noes 100,) a sufficient number not requiring them.

Mr. FORSYTH moved to amend the amendment, so as to require this sum to be paid out of the appropriation made for this mission last year.

The motion was opposed by Messrs. DWIGHT and McDUFFIE, and negatived.

The question was then taken on the motion of Mr. COOK, and carried—ayes 93, noes 48.

So the blank was filled with 4,500 dollars.

The bill was then ordered to be engrossed for a third reading.\*

FRIDAY, February 16.

*Colonization Society.*

Mr. CLARKE presented a resolution of the General Assembly of the State of Kentucky, approbatory of the association called "the American Colonization Society," and requesting the representation of that State in Congress to use their best efforts to facilitate the removal of such free people of color as may desire to emigrate to the Colony in Africa, and to ensure to them the protection and patronage of the United States.

Mr. OWEN objected to these resolutions being received, on the ground that the resolutions were not addressed to Congress, but to the Representatives from the State of Kentucky. They were, in this respect, private papers, with which Congress had nothing to do.

The Speaker said, that, had these resolutions referred to a subject not previously under the consideration of Congress, the gentleman from Kentucky must have introduced them by a resolution of his own; but the subject was already before the House, and had been referred to a

\* This proposed mission to Tacubaya, like that to Panama, of which it was to be the continuation, proved abortive: the congress of national deputies to which it was to go, never met.



committee. When this was the case, it had been the settled practice of the House to admit such resolutions from public bodies to be received, and to submit them to committees.

After a few words of reply from Mr. OWEN, the question was put on the reference, when the ayes were 84, noes 21.

A quorum not having voted, the question was about to be again taken; when

Mr. CLARKE defended the propriety of the reference, contending that there was no difference between the present case and others in which similar resolutions had been laid before the House. He contended that the respect due to a sovereign State demanded that its resolution should at least be heard, and be sent to a committee having the general subject of them under its care.

Mr. OWEN replied, and insisted on the consideration which he had before urged, that there was nothing in these resolutions which directed them to this House, or presented to it any subject of legislation. For the House to act when it was not called upon, would, in his opinion, be a disrespectful interference between the Legislature of a State and her Representatives. It was not his intention to express any opinion on the subject-matter of these resolutions.

Mr. LITTLE advocated the reception of these resolutions. He had himself presented a resolution of the Legislature of Maryland, which, though not directly addressed to Congress, had nevertheless been received, and referred to a committee. He thought that a deliberate expression of the sentiments of any public body, especially one so respectable as the Legislature of a State, on a subject under consideration by the House, ought to be treated with respect, and that to refuse its reception, would indicate a want of respect for the source from whence it proceeded.

Mr. McLANE, of Delaware, said, that he hoped the gentleman from Alabama would not press his objection. The course in these cases has been sufficiently settled, by the acquiescence of the House. As one example, he referred to the famous Missouri question, on which occasion, resolutions had been received, not only from State Legislatures, but from other public bodies, expressive of their opinions of that controversy.

The question was then taken on the reference of the resolution, and carried without a division.

Mr. McLANE, of Delaware presented resolutions entered into by the General Assembly of the State of Delaware, of similar import to those presented by Mr. CLARKE; which were referred to the same committee as the others were referred to.

#### *Georgia Militia Claim.*

The House then, on motion of Mr. COOK, went into Committee of the Whole on the state of the Union, Mr. BARTLETT in the chair, on the Military Appropriation Bill; and the question

being on the following amendment, moved yesterday by Mr. VANCE:

"For the settlement of the claims of the militia of Georgia, for services rendered during the years 1792, '3, and '4, agreeably to the estimate of Constant Freeman, and to be paid under the sanction of the Secretary of War, one hundred and twenty-nine thousand three hundred and seventy-five dollars and sixty-six cents:

[A debate took place on the adoption of this amendment, in which Messrs. Clarke, Thompson of Georgia, Burges, McCoy, Williams, Haynes, and Dwight took part.]

The committee then rose, and reported the bill as amended.

MONDAY, February 19.

#### *Canal around the Muscle Shoals.*

Mr. MOORE, of Alabama, submitted the following:

*Resolved*, That the Committee on Roads and Canals be instructed to inquire into the expediency of authorizing a survey and examination of the Muscle Shoals, in the Tennessee River, with a view to the location of a Canal.

Mr. MOORE said, in offering this resolution, he would ask the indulgence of the House for a single moment only, whilst he attempted to recommend the subject of this resolution to their favorable consideration. The improvement of the navigation of the Tennessee River, at the point contemplated, (said he,) will be deemed an object of the very last importance, not only to the State of Alabama, but likewise to those of Tennessee, Kentucky, Ohio, Mississippi, Louisiana, and the western part of Virginia. Immediately after the passage of the law of 1824, authorizing the President to procure the necessary plans and estimates upon the subject of roads and canals, the delegations of the States of Tennessee, Mississippi, and Alabama addressed a joint communication to Mr. Monroe relative to the importance of this improvement in a national point of view. They received a reply from Mr. Calhoun, the then Secretary of War, stating the President was fully impressed with its importance, and that he viewed this as justly belonging to the first class of objects to which the attention could be directed, in the execution of the law to which I have referred. At each subsequent session of Congress, I have urged the consideration of this subject upon the attention of the present Secretary of War. I presume that objects of greater magnitude have heretofore claimed his consideration, but we hope the time has now arrived, when this subject will engage the attention of that Department. The State of Alabama, it is true, is among the youngest sisters received into the Federal family, but we hope none the less respectable, nor are her legitimate claims upon the General Government to be postponed or altogether defeated upon this account; and I would fondly hope, that as from this

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circumstance, her own resources must be more limited, her claim upon this Government, for her parental and benign aid in the prosecution of this work, would be strengthened and supported. This may justly be said to be an object purely national in its character, and within the contemplation of the law which has been the basis of the system of Internal Improvement which has been prosecuted. From information which can be relied upon, I am authorized to state, that from fifty to fifty-five thousand bales of cotton descend the Tennessee, through the Muscle Shoals, annually, and that the cost of transportation, the distance of from twenty-five to thirty miles only, is frequently fifty cents per bale. Thus, it seems that the citizens of this section of country pay the enormous tax of more than twenty-seven thousand dollars, for the transportation of their product the trifling distance of twenty-five or thirty miles, to say nothing of the risk in damage and total loss which frequently occurs by boats being stove, &c.

WEDNESDAY, February 21.

*Territorial Governors.*

Mr. CONWAY Delegate from Arkansas, submitted for consideration the following:

*Resolved*, That the Committee on the Territories be instructed to inquire into the expediency of authorizing some competent persons to discharge the duties of Governor and Secretary of the Arkansas Territory, in the absence of the Governor and Secretary of said Territory, who are alone authorized, by existing laws, to perform said duties.

Mr. CONWAY remarked, that it was entirely from a sense of *duty* to his constituents, that he offered the resolution which he had just submitted to the consideration of the House. Last Summer the President of the United States granted permission to Governor Izard, as he had been informed, to visit Philadelphia this Winter, for the purpose of attending to his private business. In October, he believed it was, the Governor left the territory, and left Mr. Crittenden, the Secretary, to discharge the duties of the Executive Department. This morning he had received letters from the territory, informing him that the Secretary and acting Governor set out on the 9th of January, for this place, and complaining that there was no one in the country authorized to discharge the duties of Secretary or Governor. His object in offering the resolution before the House, was to bring the subject before Congress, that a law might be passed to guard against any evil which might grow out of a similar state of things in future. It will be recollected, by at least some of the members of this House, that the Governor and Secretary were both absent in the Winter of 1823-'24, and that the Indians availed themselves of that opportunity to kill several citizens of the Territory. He alluded to Major Walborne, and several other persons who were killed by the Osage Indians. The

citizens in a part of the territory, are in a great degree dependent upon the mercy of the Indians, at all times, for their safety. In the absence of the only persons who are authorized by law to order out the militia for purposes of defence, they are entirely so.

Mr. C. said, that, early in December, he heard of the Governor's departure from the territory, and in compliance with what he then conceived to be his duty, he notified the Secretary of State of the fact; and informed him that the commission of the Secretary of the territory would expire early in the Spring, and that, to prevent an interregnum in the Government, it would be necessary to reappoint him in time for his new commission to reach him, before the old one expired. He was accordingly reappointed by the President, and his commission transmitted to him by mail. In November last, Mr. C. observed, he saw Mr. Clay in Philadelphia, and learned from him, that, some time in October, (I believe it was,) he received a letter from Mr. Crittenden requesting permission to visit Washington, and that he had granted the request; but in a few days he learned that the President had given the Governor leave of absence, and he then wrote to Mr. Crittenden that it would be improper for the Governor and Secretary to be absent at the same time; and that the permission to leave the territory granted to him by his former letter, was necessarily countermanded. It may be, that Mr. Crittenden never received Mr. Clay's second letter, and that he has left the territory under the impression that he had the will of the Government to do so. Be that as it may, all will agree that it is necessary that some persons should remain in the territory to discharge the duties of Governor and Secretary, and he hoped the Committee on the Territories would immediately report a bill to correct the evils complained of. Before I sit down, said Mr. C., I take occasion to repeat, that it is *entirely* from a sense of *duty* to my constituents, that I bring the subject before the House. They have complained to me of the absence of the officers appointed to govern them; and I should not perform my duty here, if I were to neglect to communicate their complaints to this House. The resolution was agreed to without a division.

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Mr. FORSYTH wished the sense of the committee on the appropriation of \$6,710 dollars for the African agency, and asked for the estimate on which this appropriation is founded.

Mr. COOK sent the estimates to the Chair, which were then read.

Mr. FORSYTH asked if the claim of the Marshal of Georgia, which, as appears by a note, had been examined and refused, had been re-examined and found correct.

Mr. COOK said he understood that this claim had been examined, and reduced considerably.

Mr. FORSYTH went into the other items of the estimate, and wished some explanation as to the charge of forty dollars each for the transportation of Africans to Liberia. Others can convey blacks for twenty dollars; why cannot we send them at as cheap a rate? There is an item for the support of twenty-eight Africans at Liberia. The agent says they can support themselves. Why, then, are they to be supported by the United States? There is an appropriation of 2,800 dollars, for an agent and assistant agent. There is no law authorizing these salaries; and he wished to withhold the salaries, and thus get rid of one or both of these officers. He thought the sum was too great to be given for taking care of twenty-eight persons. But there is a sort of sub-agent who also receives payment for superintending these Africans. All this is authorized only by an appropriation of money, and by no other act of legislation. He hoped it would be cut down to the lowest point. The act of 1819 contemplated the transportation of captured Africans to their homes. The act contemplated that they should be left there. What has been the practical construction? Only one of these persons, according to the report of the Secretary of the Navy, had got back to his tribe. It is impossible to take them back through impenetrable forests, and over dangerous rivers and deserts. They became, then, part of the Mesurado establishment, live at the expense, and under the protection of the United States. This act of 1819 has been made the instrument to carry into effect the views of a society to establish a colony at Liberia, contrary to the wishes and opinions of Congress. It appears, from the report of the Secretary, that there is a colony of free blacks which has sprung from this origin.

By a contract with the Department, under the act of 1819, forty laborers were sent to Africa to prepare for these Africans. This step was taken to enable the Colonization Society to get a foothold with the money of the United States. The first colony was unfortunate. A negotiation was made by the agent, aided by an officer of the Navy. It was a negotiation like all others which are made where one party is a civilized and powerful nation, and the other a weak, miserable, ignorant, and wandering tribe. Lands were purchased and occupied. In a subsequent war, hundreds of the inhabitants have been killed; a fort was erected by an officer of the United States, and arms and ammunition were provided. The money of the United States was then put into the hands of the agent, who held the double office of Agent of the United States and Agent of the Society; and he hired the colonists to work for the twenty-eight Africans; he did not hire them to eat for them, although he might have done so. The next step was to declare war, in order to put down the slave trade; and because a piratical attack was made by a Spanish vessel, some poor sick

Spaniards on shore were taken prisoners. Being no charge against them, they were released; and the agent, with great liberality, after taking away their property, gave them the forty-three dollars to support themselves, and divided the residue among the captors and the natives. The United States is charged with the balance of this infamous plunder, about five dollars. It is said those Spaniards were grateful for the blessings they received; yet they attempted to make their escape. They were so insensible to those blessings, that they braved the horrors of the forest to escape from them. They were taken by slave factors, and sold to a factory. The agent demanded them. The answer was, that they were purchased. He marched his troops to the scene of action; but did he take and restore them? No: if he had done so, there would have been some excuse. He subverted the factory, and obtained some thirty or forty more *protégés* for the United States. He did not stop there. Having exercised his military prowess, he was desirous to show his prowess by capturing all establishments. Notwithstanding the *surveillance* of the colonists, some of these escaped and were captured, and made slaves. But this happened to be a strong factory; and the agent could not have succeeded here, but for the aid of two Colombian schooners, (one commanded by Captain Chase, of Baltimore.) A severe battle was fought, and we are told of the important services of these privateers. He read an extract from the letter complimentary to the Colombians. The consequences may be conceived. This other establishment was subverted by men under the flag of the United States; and this contrary to the opinions of the Government. The Secretary of the Navy understood the act precisely as he (Mr. F.) did; as intended to transport the Africans who are captured. Yet the agent, after being instructed to use all means to send these people home, speaks of desertion. Dr. Peaco calls on the Government to send out a military force, saying, that the colony is in danger. He read part of the letter of Dr. Peaco.

According to the statement of the agent, having by a little address and management connected ourselves with this society, we must now send out a military and naval force to defend the colonists. He held in his hand an answer to one of these splendid military achievements. The agent has asked for a reward for those engaged in this trade. He was not content with the *spolia optima* found on the field of battle. But this the Secretary could not swallow. In reply, he stated what was the object of the act. It must be obvious, from all the documents, that the object of liberating and restoring the Africans is impracticable. These poor animals are regarded with distrust by everybody. The Colonization Society is not able to support them; and if the Government does not, they must sink. Into this situation we have brought them.

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The reply of the Secretary, while it censures the course of the agent, does not impugn his motives; but says if he had gone no further than to recapture Africans, the Department would have sustained him: but he did go further, and the Society is left to answer for the consequences. The double character which Mr. Ashmun fills, is thus convenient for him. If all is fair, he is Agent of the United States; if foul weather comes, he is the Agent of the Society. He, Mr. F., regarded the situation of the poor creatures who were sent to Mesurado, as more lamentable than that of the free blacks of the United States. We are told, in one of the official reports of the colony, that every colonist receives from one dollar to a dollar and a half a day. Native labor can be obtained for three or four dollars a month. The colonists get the native labor. The liberated Africans are employed in public labor, and get no pay. They are compelled to be satisfied with their rations, and a little tobacco. The recaptured Africans are made hewers of wood and drawers of water. A letter from Dr. Peaco is the authority on which this statement is made.

He wished to know on what principle we are going to send these 180 Africans included in the estimates, to be fed on palm-oil, and cassada and tobacco. But there is an appropriation to support these Africans. Dr. Peaco says, the Africans who have been there for more than a year, and the colonists, support themselves, and are not of much expense. Now, the Africans, for whom this appropriation is asked, have been there more than a year. It is a mere farce to talk of sending home these recaptured Africans. The committee must come to a decision, and cut the connection with this Colonization Society, or obtain the authority of law. He would be justified in calling this a gross abuse, if notice had not been given of this intention. In 1819, the President had thrown out this idea, and said he was going to legislate on the subject. He repelled the inference that all which had been done is legal, because no legislation has been made to act against it. He hoped General Gaines would not be sent to Africa; but, if necessary to send any, he hoped it would be done by the agency of law. He thought we ought to get rid of the 28 Africans, if the colony would not take them into its bosom. It would be better to send them elsewhere, at the public expense.

Look at the possible consequences. Suppose Spain, in her wisdom, should demand satisfaction, and payment of her slaves. She has the right. Can we say this was the act of the colony, when she can reply, it was committed under the sanction of the flag of the United States? Spain will not enforce her claim on us; but she may go and take vengeance on the colony. Menaced by war, the colony cannot support itself. The 28 Africans, and the 180 men to be sent, will perish, or be again captured. If they are sold, and carried into slav-

ery, on whose head will be the responsibility? Not on the head of Congress. We have done nothing to legislate them into this situation. We are not under any obligation to stretch out our hand to prevent these consequences. We will do nothing to punish those who repel the aggressions, and to retaliate on them the outrages which they have practised upon others. The example has been set by the colonists; can they complain if the example be retorted on them? We have thrown away the Bible, and taken the sword, thrown aside persuasion, and adopted force; and our colonists must be prepared for all the consequences of the measure.

Mr. Cook would not go into a reply to the gentleman from Georgia in all his range of remarks, which were as much unlooked for by the House as by him. We are called on to make an appropriation, under an existing law, to carry that law into effect. He reminded the committee that the United States had determined to set her face, and array her moral and physical power against slavery. In fulfillment of the powers confided to the President, and under his construction of the act giving authority, he had sent out armed ships. The act authorizes the President to transport out of the United States all blacks, mulattoes, or persons of color, to place them under an agent, and to make such rules as he may think best for that purpose. Language could not be plainer nor stronger than the language of the act. In fulfillment of the provisions of this act, the President, in 1819, informed the House what he had done. An appropriation of 100,000 dollars was made. This had been exhausted. The power by which this act was passed, is founded on the clause of the constitution which refers to the migration of such persons. We have authority to restore them to their native land; and now the gentleman from Georgia rises to oppose an appropriation, in an appropriation bill, to carry into effect an existing law. He has been pleased to present to us a long history of the difficulties which this colony has encountered, and which, if true, could not affect the present question.

Mr. MERCER did expect that some remarks would be made on this subject by the gentleman from Georgia, but he thought they would have been made on his resolution, which he thought was still on the table, or on some other fit occasion, and not at the end of the session, and at the close of a fatiguing day's business. The appropriation is asked for by the Secretary of the Navy; and the committee has already cut down the appropriation lower than he had expected. But he did not, above all, expect that the gentleman would have given the distorted and discolored picture, which had placed him in a situation in which he was scarcely fit to answer. He did not expect to hear that the soil had been acquired by deception. He did not expect to hear the colony had been settled by fraud, and supported by

force of a lawless character. He would endeavor to do all the justice in his power to the subject. In all human efforts, we find imperfection in every step; the exercise of our will is frequently but the choice of evils. What was the state of the slave traffic? Whose voice was first raised, in this House, against it? The act of 1807 provided that the African taken should be placed in the States into which they were taken, and placed at the disposal of the State Legislatures. It was called an act to prohibit the trade; but its effect was merely to change it from a private to a public trade. The State of Georgia passed a law to sell. The State of Georgia, hearing of the existence of a Colonization Society, recognized it in the law, and provided that any slaves, about to be so sold, should be given over to the Society, on the payment of the expenses. The agent who went to announce to these Africans that they should return home, experienced the most perfect pleasure ever enjoyed; these unhappy beings hung around him, and he enjoyed the purest of human satisfaction. It is not necessary that they should be taught the pains of slavery here, to induce the wish to return to their own country. Condemned to die, do they not kiss the halter, because they think it will convey them to their native land. He did not believe that there was a man within the sound of his voice, who would abridge the few enjoyments of this race. We have naturalized all others; but have never naturalized a black; and if such a proposition was made in this House, it would be received with feelings very different from his at this moment. We have brought them here; here it is their interest that they should be brought. If we believe that the sins of the father were visited on the children to the third and fourth generation, if we sincerely repent of this evil, let us eradicate it. He had a list of two hundred and twenty-eight vessels, which carried on this traffic all along the coast of Africa. What American enterprise and capital is engaged in this traffic, he knew not. It was carried on with an art which puzzled the most able judges to develop. We know that this trade has been carried on on American account.

Mr. HAMILTON said he was admonished, by the lateness of the hour, not to do more than to explain an amendment which he meant to offer, but which it was not now in order to offer. He wished we should act in good faith to the Africans, but should not go beyond it. He thought this would meet all the Government is bound to do. We are not bound to support these Africans, after we have transported them to their native land. He thought this would be the first step towards the declaration of a compulsory co-partnership, which has commenced in what he believed to be a serious fraud, although the motives were no doubt good. But it was something like the great contention in Christendom which was found in the days of fanaticism. He did not wish to prevent the co-operators in this scheme

from following their own project. He would not quarrel with them on that point. But he was desirous that we should keep in view the meaning of the act; and not suppose, that, by merely sending these Africans to Cape Mesurado, a mere port, we are fulfilling its object. He had wished to submit a proposition with a view to obtain the aid of Great Britain to send these persons to Sierra Leone. At present one hundred and fifty thousand dollars have been expended under this act, and only two of these individuals have kissed their native hearths.

Mr. MERRICK said, part of this had been expended in the keeping of the slaves in Georgia.

Mr. HAMILTON said he did not include the sum appropriated at the last session. If we do not change our policy in this respect, we shall find that we have planted a troublesome gourd on the shore of Africa, which it will cost much gunpowder, and much of our energy, to support. He believed that the question of the power of Congress to adopt a system of colonies would be involved in this subject. As soon as the great impediment in the avenue of resolutions, the great mountain slide which stopped up the way, he meant the resolution of his friend from North Carolina, should be disposed of, he would offer a resolution on the subject, requesting the President to adopt a course which he would point out, and he would then leave the colony to act for itself. Mr. Ashmun had been called a "military chieftain." He was glad to find this Government patronizing military chieftains. But if another military chieftain should come into power, he would give a lesson to this military chieftain in Africa as to his precise duties, and his privilege to declare war and peace. This hero wants fifty dollars a head, and, while demanding it, he has a law in his pocket, which it requires no Justinian to explain, prohibiting such a conduct. Yet on this man his friend from Virginia pronounces a high eulogium. Mr. Ashmun defeated the object of the Government in a particular point. He brings back these recaptured Africans to hard labor, instead of sending them home; and when they attempt to go home, they are pursued as deserters. The intention of the Government is defeated by this individual. The gentleman had said this man displayed talents worthy of the founder of an empire. For that very reason we do not want him there, where he chooses to take into his own hand the right of making war and peace.

He concluded with stating that he should offer his amendment as soon as it would be in order; and would follow up this with a resolution calling on the President to give information, from which it would be seen whether it be proper to keep up this society.

Mr. WELLS said: the committee would remember that, at an early stage of this session, before the subject had been offered, or perhaps thought of, in any other quarter, he had respectfully, although unsuccessfully, attempted to draw the

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attention of Congress to a subject very closely connected with, and intended, had it succeeded, as a substitute for the present sideway appropriation, (as it had been styled,) he had asked to raise a committee to inquire into and report how far it would be expedient to go in aid of the transportation of such free people of color as might wish to go to Liberia, or to other parts of Africa, the land of their fathers, where, under providence, they might not only afford timely but efficient aid to save this little colony of their brethren, but might also find cause to rejoice, even in their day, from beholding around them the comforts of civilization, and the blessings of light and life diffused through their instrumentality. And here he asked the committee, whether thus colonizing the whole coast of Africa would not be more likely to put a stop to the slave trade than the plan now adopted, or any other that could be devised; attended, too, as it would be, with the least possible expenditure of blood or treasure, and, at the same time, would be relieving us from an evil growing out of an intermingling of a free black and slave population, nowhere desirable, everywhere calamitous. He would also embrace this opportunity of reminding an honorable member of the House, who, when he had, on one occasion, respectfully called for a consideration of a certain resolution, demanded a division; that he envied him not for his disposition; that where he intended a mortification, by showing that he stood alone, he had given him reason to rejoice, because it most clearly evinced, what would at all times delight his heart to know, viz: that he had not only sufficient strength offered him, but that he was willing to use it in the conscientious discharge of his duty, however unsupported he might find himself by others. He rejoiced to be able, as he was bold here to declare, that the greatest share of happiness he experienced was derived from those few facts of willing obedience to the directions of that spirit, ever victorious with him, who shall look with honest sincerity within his own breast, for a true and faithful monitor. He had last year refused to vote for the re-appropriation of the unexpected balance of the original \$150,000 that had been voted for this object, because he, like the gentleman from Georgia, was then under a mistaken opinion. That honorable member had, however, removed, by his arguments, this day offered the House, every remaining doubt on his mind, and he was now satisfied he ought to vote for the appropriation called for. And why? Because this colony at Liberia—this little handful of men (three or four hundred only)—had so conducted themselves by the authority and advice of those accredited agents of this Government, no matter whether justifiably or unjustifiably offered, that they had become endangered, hourly endangered, from the joint efforts of the natives, and the merciless slave traders; and that their only protection rested on the arms, ammunitions, and rations thus pledged

and heretofore afforded them. What is then to be done, sir? Are we, after having been, however unintentionally, the instrument in thus involving them, at once to cut off their only chance of escape, and thereby become their murderers, by leaving them thus situated, to meet inevitable destruction, rather than grant the pittance asked for? He trusted not: at least, he would clear his own skirts of their blood; and, thereby, discharge a duty he owed to God and humanity, by voting for the appropriation.

Mr. KREMER said, there was certainly a time for all things; a time to speak, and a time to be silent. He had hoped the committee would rise, and take the bill into the House. Now, as he found his motion for the rising of the committee was not carried, he hoped the committee would excuse him if he said a few words. He did not think that the law should be a sanction for this appropriation, any more than that a wrong, committed many years ago, derived sanctity from age. He thought Mr. Ashmun had about as much purity of motive as the reformer who went to South America to teach religion, with a bible in one hand, and a sword in the other. He had once thought there was disinterestedness in great men; but experience had taught him that this was a mere dream of fancy. David, the pious, tender-hearted little David, sent his captains to the war, while he staid at home with Bathsheba; and ordered Joab to place Uriah in the front of the battle, and not to let him return alive. He looked at the situation of these Africans in their own country, as well as in this country. We say we are all the children of one common parent, that we meet at the communion table, and are fit to go together into the presence of God; but will we allow them to meet us in our own parlors? No; that is another thing. He referred to the course which had been taken on the resolution of Mr. SAUNDERS. It was a simple question, and might have been plainly answered. We were told in this discussion that the freedom of debate had never been assailed.

SATURDAY, February 24.

*Mackerel Fishery.*

Mr. TOMLINSON, from the Committee on Commerce, reported the following bill:

"A BILL to authorize the licensing of ships and vessels to be employed in the mackerel fishery.

"*Be it enacted, &c.* That, from and after the thirtieth day of April next, it shall be the duty of the Collector of the District to which any ship or vessel may belong, on an application for that purpose, by the master or owner thereof, to grant a license for carrying on the mackerel fishery, to such ship or vessel, in the form prescribed in the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same:' *Provided*, That all the provisions of said act, respecting the licensing of ships and vessels, for the coasting trade and fisheries, shall be deemed and taken to be applicable to

licenses, and to vessels licensed for carrying on the mackerel fishery."

Mr. TOMLINSON briefly explained the nature of the bill. By the law, as it now stood, licenses were granted for vessels engaged in the coasting trade and cod fishing, and, in order to obtain the bounty allowed on that fishery, the claimants are required to make oath, that they would not be engaged, except in the coasting trade and cod fishery. Since the passage of this law, a fishery for mackerel has arisen, and was fast becoming a valuable branch of trade; but those engaged in it were deprived of the bounty by the terms of the oath. This state of things had been represented by about seventy respectable petitioners who prayed that the terms of the oath might be so altered as to cover the mackerel as well as the cod fishery. The scruples of these persons ought to be respected and relieved. If the law was suffered to remain as it now stood, there was reason to apprehend that frauds would be committed, and that vessels engaged in the mackerel trade would, by indirect means, obtain the bounty given by law to those engaged in the cod fishery.

The bill was then ordered to its third reading on Monday.

MONDAY, February 26.

*Claims under the Florida Treaty.*

The House resolved itself into a Committee of the Whole, Mr. FINDLAY, of Ohio, in the Chair, on the bill "making provision for the settlement of sundry claims under the Florida Treaty."

(This bill involves the important claim of Mr. MEADE, and provides that the President of the United States direct the Third Auditor to examine and liquidate all such claims, under the eleventh article of the treaty, as were rejected by the Board of Commissioners for want of the documentary evidence which the Spanish Government was bound to furnish, and which had been demanded by the United States, but not received before the 8th June, 1824. That the Third Auditor shall be governed by the rules of examination and liquidation established by said Board; and that of the claims which he shall adjudge to be valid, there shall be paid from the Treasury the same proportionate amount as was paid on the claims allowed by said Board. The bill also provides for the compensation of the Third Auditor for the services required.)

The report of the committee upon the subject was read, when—

Mr. FORSYTH moved to amend the bill so as to leave the liquidation of these claims to "any three Auditors of the Treasury," under the direction of the President of the United States, instead of leaving it to "the Third Auditor."

The amendment having been read—

Mr. F. observed, that the object of the present bill was to give an opportunity to those persons who had claims upon the Spanish Gov-

ernment, which had been assumed by the Government of the United States, but who had been precluded, by want of time, from presenting them to the Board of Commissioners under the Spanish Treaty to try the validity of those claims. The Select Committee which had been appointed on this subject, had satisfied themselves that the claims of the persons named in the bill never had a fair and adequate examination, and that this was not owing to any fault or neglect of theirs, but to circumstances over which they had no control. The Commissioners who were appointed under the treaty for the cession of Florida, had applied to the Spanish Government for copies of the papers required by the claimants, as evidence in support of their claims, and correspondent instructions had been given by the American Government, to our Minister at the Court of Spain, to obtain them; but, owing to the unsettled state of the country, our Minister had been deprived of all opportunity to make the demand, until the three years limited by the treaty for the establishment of such claims had so nearly expired that there was no time left for their presentation to the Board of Commissioners. The causes which had thus detained our Minister were of public notoriety. The Government had been driven before the French armies from Madrid to Seville, and from Seville to Cadiz, and he had been prevented by the blockade from landing at the latter place till what was called in Spain the counter-revolution had taken place, and this event did not happen till near the close of the last year allowed by the treaty for the establishment of American claims. Hence the evidence in support of these claims had never been submitted to any tribunal. All that was intended by the bill was to provide such a tribunal for their examination, in order that the claimants might have judgment in their cause. He had proposed the amendment with a view to greater security, believing it more proper that demands of such magnitude should be passed upon by a court consisting of more than one judge.

Mr. CAMBRELENG rose to put a single question to the honorable gentleman from Georgia. It was, whether his object was not to re-organize a Board of Commissioners to examine Spanish claims?

Mr. FORSYTH said, in reply, that his object was to create a tribunal for such claims only as arose in consequence of a non-fulfilment of the treaty with Spain in 1819. An article in that treaty limits the duration of the Commission for deciding on claims by American citizens, against the Spanish Government, to three years, and provides for the furnishing of copies of all official papers in the possession of the Spanish Government, when requisite to the establishment of those claims. In some cases it is a question, whether the failure to establish claims is not attributable to the neglect of the Government of Spain; but in that of Meade it was purely a

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misfortune, in which no culpability attaches to any one; circumstances, over which neither the claimant, the Government of Spain, not that of the United States had any control, having prevented the establishment of the claim within the allotted time.

Mr. WICKLIFFE thought that the House ought not thus, at the heel of a session, to be called on to legislate upon this class of claims. For his part, he was not in possession of a sufficiently accurate knowledge of the nature and extent of the claims referred to, nor could he judge how far the Government might become liable by the passage of the bill; for aught that appeared, it might be to an immense amount; the extent of it was, it seemed, to be left to a foreign Government to determine. The Government of this country had undertaken, in the Florida treaty, to satisfy claims of United States citizens against Spain, to the amount of five millions of dollars, on condition that Florida should be ceded to the United States; and a board of Commissioners had been established for the purpose of examining and passing on the validity of those claims. They had performed the duty assigned them, and had distributed the whole of the five millions among various American claimants. That fund was wholly exhausted. One claim is now presented to the amount, as he understood, of upwards of four hundred thousand dollars, and others are included in the bill, to what amount he was at a loss even to conjecture. Of one fact, however, he was thoroughly satisfied, and that was, that many claims had been passed by that Board, which, had they been judged of by their merits alone, must have been promptly rejected. But the Commissioners were bound by the letter of the treaty, and had considered themselves compelled to pass them. Now, said Mr. W., it seems, a new Board is to be created, to consist of the Auditors of the Treasury, and this new Board is to decide these claims upon evidence derived from the Spanish Government. But that Government is not liable for the accuracy with which this evidence is to be furnished; they have no interest in presenting it in a fair and equitable manner. All they will probably do, will be to furnish such evidence as is called for by the claimant, and no more. The decision will, therefore, be made virtually on *ex parte* evidence. He thought these reasons, of themselves, conclusive why the House should not now provide for paying claims on such an award. He would, therefore, move that the committee should rise. He had not expected that the House was to be deluged, at this late hour of the session, with old claims that had been once rejected. He moved, accordingly, that the committee now rise.

Mr. DWIGHT asked the gentleman from Kentucky to withdraw his motion for a few moments; to which Mr. WYCLIFFE consented, understanding it to be on the condition that, when Mr. DWIGHT had concluded his remarks, he would make a similar motion.

Mr. DWIGHT then observed that this claim was of a sacred character; it was one of those which the Spanish Government had stipulated should be paid by that of the United States; and the allowance of it would not open a door to controversy with a foreign nation, as might be objected against similar claims on the French Government. By our treaty with Spain we obtained the cession of the Floridas, which were worth, already, five times the amount of all our claims on that Government. Gentlemen need not, therefore, be alarmed at the amount involved in the present bill. The amount had nothing to do with the principle of the claim. If the claim was just in principle, and the Government was able to pay it, the amount would form no valid objection, were it ten times as great. The claim had not been adjudicated by the commission of 1821, only because the proofs could not be produced in time, though they had been seasonably applied for. The gentleman had spoken with dread of the number and amount of other claims in the bill, besides that of Mr. Meade. He would, in reply, read to the House a written statement of the whole of them; they amounted to but five in all, and were of no great amount.

[Here Mr. D. read the statement referred to.]

The claim of Meade, whatever might be its amount, was indisputably included in the provisions of the treaty of cession. A question, as would be remembered, had arisen in relation to that cession, viz: whether it would be recognized, or not, by the Cortes? The gentleman who is now Chairman of the Select Committee (Mr. FORSYTH) was at that time our Minister to the Court of Spain; and he had been personally told by several of the influential members of the Cortes, who called upon him, that the recognition of the cession would depend on the payment of these claims by the American Government. The cession was recognized as well by the Cortes as by the subsequent Government; and the claim before the House had, therefore, a sacred character, making its appeal, in a forcible manner, to the national faith. It would, doubtless, have been passed by the Commissioners, had the evidence applied for been received from Spain, in time to examine and to act upon it. The application for it was made fourteen months previous to the presentation of the claim. It was demanded from Spain by the American Government, and would have been procured and presented in time, had not Mr. Nelson, our Minister, who went out as successor to Mr. Forsyth, been prevented from presenting himself to the Spanish Government by the blockade of Cadiz. The commission, it would be particularly noticed, sat long enough to have received and passed upon the Spanish evidence, had the demand been made when Mr. Nelson first arrived on the coast of Spain; but his being prevented from landing by the French blockading force, occasioned the delay which has proved ruinous to this claimant. The commission closed without allowing his claim; but



it ought not, therefore, to be said, that the claim had been rejected by the Commissioners; for they never examined the proofs on which it rested. We have, in the meanwhile, obtained the Floridas, and twenty millions would this day be too small a price for them. Were the United States to pay three, four, or five hundred thousand dollars to these claimants, they would still be vast gainers by the bargain. As to the tribunal before whom the proofs were proposed to be laid, it was notorious to all men that no officers were more keen-sighted, rigid, and scrupulous, than the officers of the Treasury—they have even been censured for the rigor with which they judged of all claims that came before them. We have, he repeated, received the compensation from Spain, for allowing and paying these claims of our own citizens; and if the House dared to refuse the just demand of an American citizen in such circumstances, he would only say they dared to do flagrant injustice. Here were services of a very important character, rendered by one of our citizens to Spain, and that under circumstances the most trying that could be imagined; for this claimant had been two years in the most odious and irksome confinement in a Spanish dungeon. If his Government could refuse to compensate him, they would be less just than that of Spain; for she acknowledged the debt, and would have paid it, had we not assumed the obligation. He was persuaded that this imputation could never be deliberately incurred by an American Congress.

Mr. WICKLIFFE now said, that the more he heard of this claim, the more he was confirmed in the correctness of his former opinion respecting it. How many gentlemen, of all those present, had looked into the documents accompanying this claim? Were gentlemen satisfied that it ever ought to have been paid under the Florida Treaty, or was covered by its provisions? Were they prepared to say that this Government is liable to make good the claims of its citizens on Spain out of other funds besides the five millions pledged by the treaty? And if the bill passes this House, is there the least probability that it will pass the other branch of the National Legislature? Is it right, at so late a period as this, with such a mass of matter pressing for the attention of the House, to attempt to settle a principle of so much importance? As to the equity of the claim, derived from the value of the Florida purchase, he thought there was very little weight in that argument; for he was inclined to think the Government had been worsted in the negotiation. They had paid five millions in claims—and when to this should be added the expense of surveying, he believed that it would turn out that we had got but a sorry bargain.

Mr. W. now renewed his motion that the committee rise.

The motion prevailed—ayes 83, noes 66.

And the committee having risen, and asked leave to sit again, leave was refused.

The bill having been reported, together with Mr. FORSYTH's amendment, to the House,

Mr. WURMS said that it would be impossible to do justice to the discussion of the bill, without having some reference to the argument which had been adduced, while it was in committee; and though this, he ~~threw~~ <sup>new</sup>, was not strictly regular, he hoped it would be permitted by the Chair from the consideration he had mentioned. The argument of the gentleman from Kentucky came too late; the equivalent for these claims had already been received, and it was too much to say that an American citizen was to be consigned to irretrievable ruin, while the country had received, and was enjoying, a benefit ceded to it on the express condition that Spain's debt to him should be paid by his own Government.

The gentleman had borne a very conspicuous part, in a late debate, about the paltry sum of \$20,000. Now, Mr. W. said, he should hold up his hands against the gentleman's consuming so much of the time of the House on such a matter as that, and refuse to give an hour to a claim like the present, so sacred in its character, so large in its amount, and of such vital importance to one of our own citizens. The gentleman asks, who has read the documents in this case? And is a just claim to be rejected because gentlemen have not read the documents? Why have they not read them? The documents have long been printed and laid on the gentlemen's tables. When is the time to come when they will choose to read them? Are they to defer it till the claimant is in his grave and his children come here and find us gray headed? When the treaty was negotiated by which this country has acquired the Floridas, this gentleman was a merchant under the Spanish Government. He had a claim on that Government which is acknowledged to be just; it was not for spoiliations, but for matters of contract. When the treaty was concluded the United States agreed to exonerate Spain from all obligation to pay this and other claims of our citizens against her; but Mr. Meade, instead of availing himself of this provision, petitioned, on the contrary, that he might not be considered as included within it, but might be left to fight his own cause with the Spanish Government single handed. This was refused him, and the Government of the United States, for purposes and views of its own, included his claim within the treaty stipulation, exonerated Spain from the payment of it, and took upon itself to pay it out of the fund it had by that treaty recently acquired.

The gentleman from Kentucky had said, or insinuated, that the testimony in support of this claim was not of a satisfactory kind. The gentleman was entirely mistaken. The objection of the Commissioners did not rest on the character of the testimony, but on points wholly distinct from it. In support of this assertion he would beg leave to refer the gentleman and the House to a written opin-

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tion of one of the Commissioners to the contrary.

[Mr. WURTS here read the opinion of one of the Commissioners.]

Now, asked Mr. W., will the gentleman from Kentucky rise in his place and say, that, after such an examination and such an expression of opinion by one of the officers of this Government, men who had no conceivable interest in the decision, and who were of known talent and integrity, that the claim shall at once be rejected? that no tribunal shall be allowed to examine and decide upon it?

It was a claim which had been presented prior to the date of the treaty, and the officers of the Spanish Government had allowed and admitted it; but Spain lingered in the payment; it has been transferred to the Government of the United States, and deferred, from season till season, till at length we are told the United States is *not bound* to pay it. All the original papers Mr. Meade was obliged to surrender to the Spanish Government, when his claim was urged there; they were distributed through the Departments of the Spanish Government, and there they still remain. The Commissioners, esteeming themselves bound to require these originals, apprised Mr. Meade that, until these should be produced, they could not admit his claim. He, in consequence, made immediate application for them to the Spanish Government; but, from circumstances which had already been stated to the House, he could not obtain them in suitable time. The five millions had all been paid away; and he was thus, without any fault or neglect of his own, entirely excluded. Thus the Government has, in effect, taken the property of this American citizen, applied it to the purchase of the Floridas, and now refuse to pay him for it, or even to appoint a tribunal where he may have a fair hearing. Is not this monstrous? Shall I, asked Mr. W., take the money out of that gentleman's pocket, use it to buy a farm for myself, or my children, and when he asks repayment, and offers to prove how much I took, shall I say, because I am stronger than he, that I will not pay him, or even suffer him to prove his demand? Must this claimant, after waiting with patience at our door for years, when at length his bill has come up for consideration, be told that his just claim is deferred for yet a year longer? He is not a young man; he was once wealthy; he is not so now; we hold his property; all he asks is a tribunal, and a hearing. Shall he be turned off and told to wait till another Congress shall consider his case? I trust not. I trust there is enough of justice in this Congress, to say that he has waited long enough; that his day of hearing shall be set, his judges appointed, and his claim fully and fairly examined. Mr. W. concluded with an apology for the earnestness he had betrayed, and the time he had inadvertently occupied, but he should feel that he had been wanting to the rights of a con-

stituent and of an American citizen, had he remained silent, and suffered the remarks of the gentleman from Kentucky to pass without reply.

Mr. ARCHER said, that he had been a member of the Select Committee to whom this claim had been referred, and he had given it a careful examination. The gentleman from Kentucky was mistaken in both the points he had taken. He supposes the House is not now prepared to pass this bill—if not, when would it be prepared? The bill had been reported at the last session, and if want of preparation was a good reason now, why might not the same reason be repeated forever? If gentlemen were not prepared, they *ought* to be; ample time had been allowed, and every opportunity given.

But the gentleman seems to be of opinion that this Government is not bound to pay this claim, be it ever so just a one. Sir, I say that this Government is bound to pay it. And why? It has, in two instances, forcibly interfered and obstructed this claimant in obtaining justice, when he had the near prospect of fully succeeding.

When our treaty was made with Spain, he expressly said that he did not ask the Government of the United States to be responsible for the claim; all he asked of it was to stand aside; to leave him to his own chance, and only to abstain from throwing any obstacles in the way, or taking any course which would condemn the claim. And what was the reply of his own Government? They refused his request. They determined to interfere; and they said to him, your claim *shall* be comprehended in the treaty, and it *shall* be liable to the terms of the treaty. This was the first case in which we forcibly interposed, and we here prevented his obtaining his money from the Government of Spain. Ascertaining that the proof required by the Commissioners was such as could only be got from Spain, fifteen months before the time for examining this evidence, he again goes to his own Government and prays them to send to Spain for the necessary vouchers. The Commissioners expressly said they were satisfied a large amount was due to him, but they could not allow him even this amount without having evidence from Spain. Here, then, the American Government says to one of its own citizens, who has a claim already acknowledged by the Government of Spain, "you shall look to me, and not to Spain, for this money; I will send for your vouchers, and get them for you within the time which I have chosen to limit for the production of proof." He accordingly gives his Government a memorandum of the papers required. The Government, owing to circumstances with which he had nothing to do, does not apply in time to get these papers; and the period it had arbitrarily fixed for their examination expires; its citizen is shut out from the tribunal of the Commissioners; and now, when he comes to you, and modestly asks that some

tribunal may be ordered to examine his vouchers and pass upon the justice of his claim, he is to be refused? He does not ask for money; he asks only a tribunal and a judge; and is it to be refused? It would form a case of enormous and unparalleled atrocity. Sir, I have looked at this evidence, and I care not before what tribunal it is to be presented. You may send it to the bench of Minos and Radamanthus; I care not; only let it have a full and fair examination. As one interested in the resources of the Government, I hope he may not be able to establish his claim; but never, while there is a cent in the treasury, never will I consent to obstruct any claim by methods such as these. Suppose we shall pass this bill, do we thereby declare that this man's claim is just? By no means. We only say that his claim, with the evidence in support of it, shall be examined by our own officers; and I believe no gentleman who hears me will dissent from the position, that, if it is to go before Mr. Hagner, it will, at least, be thoroughly sifted. But if you reject the bill, you condemn and annihilate the claim, without knowing whether it be just or not. To do this would, under all the circumstances, be one of the most unparalleled and unatoned acts of injustice that ever was perpetrated.

Mr. FORSYTH now renewed the motion he had made in committee to amend the first section of the bill, and also moved to strike out the third section, which provides for allowing the Third Auditor a certain sum, in addition to the salary now allowed him by law.

He said, that if it should be the pleasure of the House to pass the bill, he was willing to trust to the justice of Congress to reward the auditors for any extra service it might occasion them, and, therefore, he did not propose to insert any clause fixing their remuneration beforehand. Mr. F. said he was fully aware of the shortness of the time which remained of the session, and the number and amount of private as well as public bills, which were waiting the action of the House; he would, therefore, endeavor to guard himself from digressing into the merits of the claim, and should confine his remarks to the right of the applicant to have its justice examined and decided upon. He believed himself to be fully possessed of the merits; but it was enough for him to know that here was an American citizen, suffering great injustice, from no fault of his, but from that of his own and of a foreign Government, and that this House alone had the power to redeem him from it. The circumstances of this case were most extraordinary. Mr. Meade, it seems, had a claim against the Government of Spain, which was acknowledged by that Government. The Board of Commissioners, appointed under the Florida treaty, having concluded that this claim was embraced by that treaty, Mr. Meade submitted to them a written acknowledgment, given by the commissioners of the Government of Spain, that

a certain sum was due by that Government to him. This acknowledgment was given between the first signing of the treaty and its final ratification. His documents were demanded by the Spanish Government, and having been surrendered by Mr. Meade, were distributed through the offices to which they severally belonged. When Mr. Meade submitted his claim to the Commissioners, accompanied by the certificate or acknowledgment before referred to, they replied that this was not sufficient evidence, and that they must have the original documents or certified copies of them. Mr. Meade remonstrated on the hardship of being compelled to produce papers which he had previously been obliged to give up to the Spanish Government, when, at the same time, he had produced a certificate which was the result of their examination, and showed them to contain conclusive proof of the justice of the claim. The Commissioners, however, were stern and inflexible, and continued to demand the vouchers. Meade, in reply, pleaded that the treaty, under whose operation his claim had, against his wishes, been brought, contained a provision that the Spanish Government should furnish to claimants such official papers as were applied for to establish their claims, and prayed that the Commissioners would take measures to obtain his evidence from that Government. They did so, and Mr. Nelson accordingly received instructions to demand them; but as he was prevented, contrary to the law of nations, from landing on the Spanish soil, the papers were not obtained, and the Commissioners accordingly rejected the claim. The consequence has been, that this claimant is made poor, though he has, according to the written acknowledgment both of the Spanish and of the American Commissioners, a just claim to what would render him independent. Can such a case be left without redress? Shall an American citizen be thus plundered of his all? What has been his fault? Did he not use all proper diligence in prosecuting his claim? Was he not in a fair way of obtaining justice when this Government interfered, declared his claim merged by the treaty, and undertook themselves to be his paymasters? If his vouchers were in Spain, could he compel the Spanish Government to surrender them? And was it his fault that his Government failed in procuring them? Surely not. And now, after having had hope thus deferred by our act, must he be refused even a tribunal to try his claim? Mr. F. said the committee had refused to go into the grounds of the Spanish Commissioners' decision, and had reluctantly brought in the bill in its present shape. If Spain was in the wrong, this Government had a right to demand from her all that it should pay to Meade—and the object of the bill was only to give him what he had been deprived of by the short duration of the commission. The committee had no choice between doing this and doing injustice.

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*Meade's Claim under the Florida Treaty.*

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Mr. EVERETT, of Massachusetts, said that the amendment removed much of his difficulty. He had himself been opposed to taking up this bill at this time, but the House decided otherwise, and as it had been taken up, he hoped it would pass as amended. He had carefully examined the documents in relation to this claim, and his sole object was, that justice should be done. Whether the amount is 30,000 dollars, or 300,000, or 8,000,000, was a consideration that ought to have no place in this matter. If the Government owed the money, he cared not what was the amount; it ought to be paid. He should angur darkly indeed for our institutions, if the inquiry of this House is to be, not whether a debt is due, but whether it is small. He regretted that the gentleman from Georgia and the gentleman from Virginia had not contented themselves with suffering the claim to rest on its own merits, but had proceeded to comment with severity upon the conduct of the Commissioners in rejecting the claim. There was not now time to examine their decision, or to inquire into the manner in which the treaty had been conducted—he would, therefore, do no more than take leave to deny the accuracy of some of the statements which had reference to this part of the subject, particularly when the terms of the treaty and the decision of the Commissioners under it had been characterized as acts of unparalleled atrocity, and unatoned injustice. He thought that sentence of condemnation had better have been withheld.

Mr. McLANE, of Delaware, said he concurred with the gentleman from Massachusetts, who had just taken his seat, in the view he had expressed in favor of the amendment of the gentleman from Georgia. He thought it would be a material improvement in the bill. The amount due the claimant might possibly be very considerable, but that formed no reason why the bill should not now be considered, or why the amount should not be allowed. If the largeness of the amount was to have any weight at all, all it had was certainly on the side of the claimant. But it was not to be expected that a bill which might involve the payment of so large an amount, should pass without mature discussion, both in the committee and out of the committee. The amount alone was of itself sufficient to produce opposition to the bill. But it was impossible that such a body as this House should examine minutely every claim that came before it. It must, from necessity, put great faith in the examinations made by its Standing Committees. The body was too unwieldy to go into such minutiae; and the present case did but renew and strengthen a conviction he had long entertained, and had more than once expressed, of the pressing necessity for the adoption of some other arrangement, in relation to the decision of private claims. As they were now disposed of, there was not only a great consumption of time, which ought to be devoted to the public con-

cerns of the country, but unavoidable danger of doing the most flagrant injustice to claimants themselves. The committee, he knew, and admitted, did the duties assigned them, with as much diligence and devotion as could be expected from any men; but the difficulties were such, as no diligence could surmount. It was physically impossible for them to examine with minuteness one-half the documents submitted to them. They did what they could; but the result was, that claims were either deferred in a manner that amounted practically to a denial of justice, or decided on such imperfect examination, as often put justice at the greatest hazard. The documents in the present case were voluminous, and involved the investigation of a great number and variety of questions of the greatest moment. From what attention he had been able to give them, he was persuaded that the case of Mr. Meade was one of great and undeserved hardship.

Mr. McL. then stated, that, during Mr. Meade's residence in Spain, the Government of that country became indebted to him for supplies of provisions furnished them during the Constitutional War of defence against the invasion of the French; and that, on the return of the king, Mr. Meade was imprisoned in one of the castles of Cadiz for more than two years, and was finally released by the interference of the Government of the United States. After his, Mr. M.'s release, a court was organized in Spain, which fixed the amount due, and the faith of the Government was pledged to pay it. Lands in the Floridas were offered Mr. Meade in payment, but our Government being then in treaty for the cession of the Floridas, directly intimated to Mr. Meade their unwillingness to consent to this arrangement, and he gave it up, with assurances from our Government, that his debt should be assumed and paid by the United States. The very demand itself was liquidated under the auspices of the Minister from the United States. The Cortes of Spain considered the demand of Mr. Meade a national debt; and the king affirmed it as such. When the treaty was about to be ratified by the Senate, Mr. Meade sent a memorial to the President, in which the claimant distinctly requested that, if Government could not give him assurances of being paid in full, that his claim should not be included, and that he would look to Spain for his indemnification. The treaty was ratified, with the entire understanding that this claim was included. When the Commissioners under the treaty were appointed, the claim was presented, but not allowed; not that they believed the claim was not good, but got over this large amount, upon some want of documents, entirely out of the power of the claimant then to procure. The Minister of the United States, and every officer of Government within the scope of whose duties the slightest consideration of the subject came, were in favor of the claim. But, after all these exertions which Mr. Meade has made, and all the

assurances which have been given him, he has been, year after year, memorializing Congress to hear him on the subject, or to appoint a tribunal for that purpose; but he has sued in vain. Every obstacle has been thrown in his way; no investigation, beyond a hearing before the committee, has been afforded. An investigation is all he now asks; shall this be denied him? Is it for the honor of our country to keep one of its valuable citizens so long in suspense? Shall we waste his means, his time, his patience, in following Congress from session to session, and get no remedy? The good faith of the nation is involved in the question; and he, Mr. McL., trusted that the bill would pass. If the sum was due Mr. Meade, as he believed it was, he ought to have it. The amount of the claim should make no difference in the readiness to examine it, nor the willingness to pay it.

Mr. KITTEK said, that it was a lamentable truth, which the experience of every year confirmed, that the claims of public creditors were so long delayed, and were attended with expenses so enormous, that often, when a favorable judgment was pronounced, it came too late to do them service. That Mr. Meade, who was one of his most valued constituents, had been attending in the hall for six or seven successive sessions, and, at the happy moment when his hearing is at hand, he is threatened with longer delays, because, it is said, his claim has not been examined with sufficient attention by the members of the House. Rely upon it, such an answer will as little justify us, as it will console our fellow-citizen, who has so long and so earnestly claimed a hearing. He did not mean to enter into a detail of all the circumstances; but there were a few prominent facts known to every gentleman. The Government of Spain was indebted to Mr. Meade in a very large sum of money, found by the tribunals of the nation to be due, and sanctioned by a royal decree. After this, we formed a treaty with Spain, by which the Floridas were ceded to the United States for five millions of dollars. By the 11th article of that treaty, we discharge the Spanish Government from the claims of our citizens, and among the rest, from that of Mr. Meade. A tribunal is established to distribute this fund among the claimants against Spain, who are to receive only so far as the fund extended. Mr. K. said he would not inquire into the fairness of placing Mr. Meade's claim upon no better footing than the ordinary claims for spoiliations—that tribunal is limited in point of duration. That Mr. Meade's claim is embraced in the treaty, no one could doubt. He presents himself before the Commissioners with the Spanish decree as the evidence of the debt. He is told that will not do; that he must give to the Commissioners the same evidence he had before the Spanish tribunal. Mr. K. said he would not say a word as regarded the propriety of this decision. It however required of the applicant that which, as the

result proved, it was impossible for him to do. Efforts, national and individual, were made to procure from the Spanish Government these documents, which were in their possession, but in vain. The limitation of the commission is about expiring, and the Commissioners finally distribute the fund to the exclusion of Mr. Meade. That his claim was good for some amount, and that it was rejected because the documents were not within his control, but at the pleasure of the Spanish Government, there can be no doubt. Is it, under such circumstances, fair and equitable that Mr. Meade should lose his debt? We have discharged, by an act of sovereign authority, his original debtor. Ought we not to pay? If, by withholding documents, Spain has violated the treaty, let the United States look to Spain to repair the injury we sustain; but not put forward a citizen upon his private responsibility to coerce the payment of money upon such a ground. By the passage of this bill, we admit no particular amount due. We only establish a tribunal to examine and decide, and that, too, upon principles of the strictest character, upon matters which, it must be allowed, we cannot. This is not a claim for spoiliations, but, as he believed, a fair and honest debt, ascertained in character and amount, for which the Spanish Government was liable, till we transferred that liability to ourselves, and which he thought this Government could not refuse to discharge without disregarding her high sense of justice and national faith.

Mr. BEECHER asked if there was any other evidence in support of the claim but that which was received from the Commissioners?

Mr. FORSYTH replied, that the bill did not propose to the House an investigation of this case. It only appointed a tryer.

Mr. BEECHER rejoined: the treaty had done this before—it appointed a Board of Tryers more competent than the Auditors could be supposed to be—they had rejected the claim because it was not supported by evidence. If there was now no more evidence than there had been before, there could be no need of appointing new tryers.

The question was then taken on Mr. FORSYTH's amendment, appointing three Auditors of the Treasury to examine the evidence, and carried—ayes 72, nays 40.

Mr. FORSYTH observed, that he held in his hand a list of six claims, all which were similarly situated to this of Meade's, all resting on evidence to be furnished by Spain. The question, therefore, involved in the amendment of the gentleman from Ohio, was, whether this one claim ought to be separated from all the rest, and paid, while the rest were neglected?

Mr. LIVINGSTON said, that this exemplified, in the strongest manner, the utter unfitness and inability of Congress to become judges in private claims. If the motion now made should prevail, the evidence furnished will be in the Spanish language, and he for one, would like to

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be present when the claim came to be decided. He should like to see the Spanish papers submitted, for instance, to the honorable gentleman from Tennessee. He presumed the first thing to be done would be to swear an interpreter. The next step must be to send for witnesses to prove that the evidence was taken according to the Spanish law. These records, according to the Spanish style, were all voluminous; he presumed there was not one of the examinations that would not occupy several quires of paper. Now, without going further, he would ask the gentleman whether the claim of an individual, in which his all was involved, was to be decided before such a tribunal as this House, on such evidence? He entered now, and would forever enter, his protest against the performance of Judicial duties by such a body. He prayed gentlemen not to throw new difficulties in the way of this claimant; he thought the bill already interposed difficulties enough.

The question being then taken, the amendment proposed by Mr. COOKE was rejected.

On the question of ordering the bill to be engrossed for a third reading, Mr. WICKLIFFE required the yeas and nays, but a sufficient number did not rise to authorize them.

The bill was then ordered to be engrossed for a third reading without a division.

WEDNESDAY, February 28.

*British Colonial Trade.*

The House again took up the Colonial Trade Bill; and the question being on agreeing to the amendment offered by Mr. WEBSTER in Committee of the Whole—

Mr. BASSETT moved to lay the bill and amendment on the table. The motion was negatived—yeas 65, noes 81; and the House then concurred in adopting the amendment of Mr. WEBSTER.

Mr. PEARCE now moved a reconsideration of the vote by which the House yesterday rejected the amendment proposed by Mr. MALLARY, which was to insert the words "by sea."

On this question, Mr. BARRINGER called for the yeas and nays, and they were ordered by the House.

Mr. FORSYTH remarked, that the vote by which the amendment had been rejected was very large; that a distinct proposition to defer that vote to this morning had been made and refused. He wished to know what new light had arisen to-day, on account of which the House was asked to reconsider a deliberate vote, on a proposition fully understood. He should be glad to hear some of the reasons stated which induced gentlemen to ask a reconsideration.

Mr. INGERSOLL said he should vote for the motion to reconsider; and if that prevailed, would also vote for the amendment proposed by the gentleman from Vermont, so as to confine the operations of the bill, as was done by the act of 1820, to the navigation "by sea,"

without interfering with the navigation on the lakes. But he should vote for the bill whether amended or not. He felt willing to accede to the proposed amendment, not only as it would make the measure more acceptable to a large portion of the country, but because he hoped yet to see the embarrassments which now rest on our trade with the British West India colonies, amicably removed by negotiation; and he was unwilling to entangle that negotiation in any new subjects of collision between the Governments. He would deal out measure for measure: whenever the British interdicted a trade in our vessels, he would interdict the corresponding trade in their vessels. But it was a matter of serious consideration, whether, in the onset, we should go one step further, and strike at a new interest, and thereby remove the prospect of an amicable arrangement still further from our view. The British have excluded our vessels from certain colonial ports: in return for this he would promptly follow their lead, and exclude their vessels when coming from places interdicted to us. For the present, he was willing not to carry the war of restrictions further than this; he would not yet extend the interdict to a trade between us and other places, from which we are not in like manner excluded. He did not consider it a safe policy to invite Great Britain to new restrictions, in lieu of friendly negotiation. The bill does not propose to take effect till after the 30th of next September—about two months before the session of the next Congress: and we shall then have a better opportunity to determine upon the effect of the measures which we may now adopt, as well as what the ulterior views of Great Britain are, and can legislate accordingly. The perplexing question might, before that time, be in a train of adjustment. The offers on our part are fair and honorable, and if not embarrassed by matters calculated rather to irritate than heal the existing difference, the Colonies themselves would feel that the mother country was in the wrong, if she did not accede to the lenient and liberal policy proposed on our part. If it should appear, hereafter, that all hopes of negotiation are at an end, we would be right then to assume a new attitude. He would, in such an event—when we resorted to a war of restrictions—not only be willing to strike at the indirect trade to Europe, which oozes through the Canadas, and which is, in part, supplied by our northern frontier, but he would strike home upon the manufactures of the mother country; he would aim a blow at the direct European trade itself, so far as it could be done without interfering with treaty stipulations. No gentleman on this floor felt a deeper solicitude for the preservation of the West India trade than he did. He came from a community whose foreign commerce was almost exclusively with the West Indies, and his anxiety to have this trade resume its wonted channels, was his principal reason for wishing to see the question in relation to it now pending between us and the

British Government kept separate and distinct from any new cause of difference. He would meet Great Britain on this point with firmness but without unnecessary irritation: he would try mild measures first; and if they did not lead to amicable results, then, and not till then, would he, in the language of the gentleman from New York, (Mr. CAMBRELENG) be prepared to "go the whole."

If we adopt the proposed amendment we place our West India interests on precisely the same footing on which they rested under the act of 1820, the British having, prior to that time, excluded us, as they now have, from the direct trade. Our experience on this subject should not be disregarded. That act had well done its office; it brought Great Britain to terms, but it did not, at any time, touch the Canada trade. The words "by sea" now proposed to be inserted in this bill made a part of that; indeed, the bill before us is substantially the same as the act of 1820, except that these words had been here omitted. Under the operation of the act of 1820, when the Colonies were obliged to take our supplies through neutral islands in their neighborhood, at an enhanced price to the planters, they became intensely anxious for the direct trade; their clamors finally assumed so deep a tone that they were heard and regarded by the Ministry at home, and the consequence was, the opening of the interdicted ports to our vessels. The question now is, shall we adhere to the policy of 1820, which proved effectual then, or shall we bring a new point into the controversy, by striking at that portion of the European trade which is carried on through the Canadas, so far as it is supplied by articles transmitted to those provinces through our own frontiers? This question is one of more embarrassment than at first meets the eye. Gentlemen are laboring under a mistake in supposing that the articles which we furnish the Canadas, find their way, to any considerable amount, to the West India markets, through the circuitous route of the St. Lawrence, and if they would attentively examine the able report presented to us by the Committee on Commerce, they would see the fallacy of that supposition. The mass of what the Canadians purchase from us is either consumed by themselves, or sent to Liverpool, and but a trifling part of the whole finds its way to the West Indies. He felt unwilling, at this late period of the session, to fatigue the House by a recapitulation of statistical tables, or a barren calculation in figures; but he based himself on official documents for the accuracy of what he had said on the Canada trade. The whole amount of exports to Canada, during the last year, are valued at upwards of \$1,800,000; of this large sum but about \$89,000 was the value of the wheat and flour which Canada received from us, and those articles, he admitted, might go into the assorted cargoes for the West India market. The lumber amounted to about \$127,000, but the great bulk of this went to

Europe in lumber ships, which are constantly floating down the St. Lawrence, when the navigation is unobstructed by ice. The heaviest article furnished from our frontiers is potash; but it is notorious that this is exclusively for the Liverpool trade. The other articles which we send to Canada are almost all consumed there, as will be seen by reference to them. They are fresh provisions, and butter and cheese, for the Montreal and Quebec markets; leather and leather shoes, manufactured tobacco, American cotton goods—yes, sir, our cotton fabrics, under the existing tariff, find their way there, and compete with the manufactures of the British on their own soil. Salt is also a heavy article; Upper Canada is almost exclusively supplied with it from the salt works of New York; but no one ever dreamed of its being sent down the St. Lawrence to such a market in the West Indies: it would be like sending coals to New Castle; scythes, axes, and the other implements of husbandry, which are furnished by our mechanics, to the farmers of Canada. Such are our exports to that country. The geographical position of the Canadas will always prevent their supplying the West India markets to any considerable extent. The islands can purchase our products from a neutral depot, on more advantageous terms than they can be furnished by way of the St. Lawrence. Cargoes intended for the West Indies are generally of a perishable nature; the supplies of provisions for a tropical market must be furnished frequently, and, comparatively speaking, in moderate quantities. If they accumulate for six months in the year, most of them will become deteriorated. The St. Lawrence is bridged by ice for more than six months on an average; the consequence is, that but one long voyage can be made in a year from Quebec to the West Indies—whereas, from the Atlantic States we make four or five short voyages. And it is an undeniable fact, that, although we have had to encounter heavy discriminating duties at the British West India ports, from which vessels from Quebec were exempt, yet they never could compete with us successfully in that trade. The disadvantages of position which the Quebec merchants labored under were greater drawbacks upon them than the discriminating duties were upon us. Nay, further: When our vessels were excluded entirely, as they now are, from the British West Indies, and we were driven to the neutral ports, the British colonial planters could supply themselves, and did supply themselves, with our produce from the neutral islands. Canada could not then supply the West India market; and from this it may safely be inferred that Canada cannot now supply that market: our experience on this subject is worth all the theories with which gentlemen can furnish us, however ingeniously presented. From the range taken in debate, one would be apt to suppose that we were now called upon to pass a non-importation law, or a non-exportation act, as was our former embargo; and hence,



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the argument that such a law should extend to the frontiers as well as to the Atlantic. Nothing can be more erroneous than this. We are called upon to pass a navigation act merely, in regard to certain colonial ports: and hence, the impropriety of connecting with such a measure what must amount, if persisted in, to a non-intercourse on the lines, and an interference with a trade not necessarily, or principally connected with the West India ports. We should be cautious not to enlarge the commercial controversy, already sufficiently wide between the two countries. He preferred, for the present, to repose, as we formerly did, upon the policy of 1820—exclude the vessels of our rivals as they exclude us, and not by grasping at more, run the risk of eventually and permanently losing the whole. Notwithstanding this obnoxious Order in Council, we expect, as the committee tell us, in their report, to supply the British West India colonies with our products as we did under the act of 1820—if they are willing to take them—through neutral ports, and receive their produce through the same channels. The trade, by this new order of things, becomes circuitous instead of being direct; but still it would afford a vent for a part of our surplus, and is worth preserving. Let it not be said that our frontier country can also dispose of their surplus through neutrals, if the Canada trade is interdicted. It would cost more to bring the produce from many parts of that frontier to the City of New York, or any other Atlantic port, than it would to transport the same article from New York to Liverpool. The amount of our exports to the British West Indies, was upwards of two millions of dollars annually, and the Canada trade was over 1,800,000 dollars, a sum nearly equal to that which is affected by the British Orders in Council.

If, however, it should be thought expedient to extend the restrictions at the present time, to the Canada trade, it would require very different provisions from those contained in this bill to enforce the interdict on our extensive frontier. This bill would be inoperative there. The temptation for smuggling would prove too strong to be resisted by such feeble barriers as are here presented. We know how this was during our former restrictive system, and we should not shut our eyes on the admonitions of experience. Men of desperate fortunes and more desperate character, would be attracted to the frontiers, the moment an opportunity offered for the employment of their guilty talents. This demoralizing result was to be deprecated and avoided as long as possible. The mass of corrupt materials which had gathered on the frontiers during the former embargo, and set at defiance the civil and military force of the country, was now scattered and had been replaced by a sound and healthy population. It requires very different provisions to enforce an interdict on an inland frontier, from what are sufficient to exclude foreign vessels from

the Atlantic coast. Should we find it necessary again to resort to restrictive measures on the frontiers, we should enact a law that would be prompt and effectual: one that should be armed with severe penalties, and rigidly enforced by numerous and vigilant officers. When a crisis in our commercial affairs demanded such a measure, Mr. I. said, it should receive his humble, though cordial support.

Mr. STORRS said that the only effect of refusing the amendment of the gentleman from Vermont, (Mr. MALLARY,) was to interdict the trade between the northern States and the British Colonies on our northern frontiers. This trade, Mr. S. said, is not affected by the spirit of our late navigation laws. It has been open under all of them. On a question that related only to the interests of our ship owners, in the freight between our ports and the British West India islands, we should not go out of our way to interdict a trade which he thought was not within the general policy of the measure before the House. The object of the bill is to secure to our navigating interest a fair share and equal advantage of competition in the trade with the West Indies. We are to say whether this Colonial trade shall continue to be carried on in British vessels, exclusively, after the Order in Council, under the act of Parliament, of 1825, has excluded American ship owners from all participation in it. It is admitted, on all hands, that the trade itself is valuable to both countries. The Colonies and the West India interest in England are as deeply interested to continue it as we are. No one pretends that it is desirable that we should exclude their productions from our markets, or withhold our own from theirs, if it is not to be done at the sacrifice of our shipping interest to a foreign monopoly; and so far as the mere exchange of products is concerned, it is the professed object of both countries to continue the trade itself. We now propose, and very properly, to secure to our own ships at least a fair share of the freight of our productions and what we take from them, or to exclude British ships from it. Now, sir, the trade across our inland frontier and the Lakes, with Canada, has no connection with the differences which have brought this measure before us; and the effect of closing it is only to inflict on those interested in it, in several of the northern States, the evils of an interdict, without any benefit to either party. The policy of our navigation laws has only been to interdict trade in British vessels, by sea, to ports from which our own ships are excluded by Great Britain. The northern trade with Canada has been open under all these laws, and no one has ever thought, before now, of shutting that trade up, to coerce Great Britain to admit American vessels into her West India ports. The only reason now offered for extending an interdict to this trade is, that the products of the frontier countries of some of the States may possibly find their way to the British West India islands, through the Can-



adas; and we have been asked why the acts of Parliament and Order in Council have left that trade open, unless Great Britain expects to supply them with American products through the northern Lakes and the St. Lawrence? It is certain that she could not do this profitably, from 1820 to 1822, while the interdiction was substantially in force in the Atlantic ports.

Mr. MALLARY spoke in reply. The gentleman from Louisiana had insisted, that if the bill passed, it ought to exclude the trade from the United States to Canada, and one argument he had advanced, was derived from the constitution. He was aware of the gentleman's standing and legal reputation, and was ready to confess that the gentleman was far superior to himself; but, learned and able as he was, on the present occasion he was mistaken. The gentleman says that no preference is to be given by any regulation of commerce to the ports of one State over those of another. He did not object to this principle, but was it not then plain, that, according to that article of the constitution, no one particular section of the Union might, by any regulation of commerce, be deprived of a branch of trade, while the rest of the Union was suffered to enjoy it? If the rule was good, it ought to work both ways. The country on the frontier now enjoys the benefit of the Canadian trade to Europe. It was only through the Canadas that their heavy articles could reach the European ports. Now, if Congress should deprive them of this trade, while it continued to be enjoyed by the Atlantic ports, would it not, on the gentleman's own principle, be a direct violation of the constitution? How must the bill operate? Unless the amendment is introduced, it cuts up the whole of the Canadian trade, both Colonial and European; but it leaves to the ports on the Atlantic all the trade they now have, saving only that branch of it which is carried on with the British West India islands. This is not treating different sections of country alike. Its effect is manifestly unjust. It destroys the whole trade of the interior, because a small portion of that trade happens to be connected with the subject of the bill. It annihilates the trade of an important portion of the country merely to give a preference to American bottoms in the trade with the West Indies. There is but two millions engaged in the direct trade with those islands, and that whole amount may still be carried on at a small inconvenience, through neutral ports.

At this stage of the debate, the bill which had passed the Senate on the same subject was received; when

Mr. TOMLINSON remarked that this was the last day of the session on which bills could be sent from this House to the Senate. A bill, he said, having been just received from that body, relating to the subject now under consideration, which would enable this House, according to the existing joint rule, to act on the subject now before it, either on to-morrow or next

day, he felt it to be his duty to make a motion which would afford an opportunity to consider and pass several bills of great importance, now pending before the House, and to send such bills to the other House, to be acted upon during the present session. He then moved that the bill under consideration be laid on the table, to be taken up to-morrow.

This motion prevailed, and the bill was accordingly laid on the table.

The bill from the Senate was then read at the clerk's table; when

Mr. TOMLINSON moved its reference to the Committee on Commerce.

Mr. LIVINGSTON moved it to be referred to a Committee of the whole House on the state of the Union. After some conversation between Messrs. TOMLINSON and FORSYTH, on motion of the latter, the bill was laid upon the table (ayes 71, noes 62) and ordered to be printed.

The military appropriation bill having been received from the Senate, with amendments striking out the proviso adopted by this House, and which restricted the payment of double rations to officers "commanding garrisons and military posts;"

The question being on agreeing with this amendment of the Senate.

On this question, a debate of some extent took place, (involving, substantially, the same principle as that which arose when the provision was inserted,) and in which Messrs. COCKE, WEBSTER, BRENT, DRAYTON, WOOD of New York, FORSYTH, and MITCHELL of Tennessee, took part.

The question was then put, and on motion of Mr. COCKE, was taken by yeas and nays, and decided in the negative.

So the amendment of the Senate was not agreed to.

[On the following day, the House recessed from its disagreement.]

#### THURSDAY, March 1.

##### *Indiana Canal.*

Mr. WOODS, of Ohio, from the Committee on Roads and Canals, to which was referred the bill from the Senate, to authorize the State of Indiana to locate and make a canal therein named, reported the same without amendment.

The bill was then ordered to a third reading, and it was read a third time accordingly, and passed.

##### *The Navy—Ship Timber.*

The House then went into Committee of the Whole on the state of the Union, Mr. SPRAGUE in the chair, and took up the bill for the gradual increase and improvement of the Navy.

Mr. STORRS (Chairman of the Committee on Naval Affairs) moved to amend the bill in that section which refers to the preservation of valuable ship timber, after the words "live oak," by inserting the words "or other timber;" which was agreed to.

FEBRUARY, 1827.]

*Naval Academy.*

[H. OF R.]

*Naval Academy.*

Mr. EASTMAN moved to strike out the seventh section of the bill, (which provides for a Naval Academy.)

Mr. WICKLIFFE advocated this motion, and insisted that the proposed school was unnecessary; but if it must be erected, farther leave should be allowed to digest rules and regulations for it.

Mr. BUCHANAN replied, and defended the measure, which he argued to be a great public good as adding science to the practical knowledge of our naval officers.

Mr. KREMER supported the amendment. It was opposed at great length by

Mr. DRAYTON, who defended the value and importance of such a seminary.

Mr. BURGESS wished farther information before he could vote in favor of this feature of the bill. He opposed the idea of any other instruction as a substitute for that which is gained at sea.

Mr. WEEMS said, the gentleman from Kentucky (Mr. WICKLIFFE) was opposed to this school, because "the Academy at West Point had been so managed, in his opinion, as to be altogether a matter of patronage, and that it was so far from benefiting the sons of poor men, that he had known one member of Congress to have three sons educated there; *ergo*, he would not vote for another establishment of the sort, no matter by what name it should be called." He would ask that gentleman, and the committee, if such were the facts, whether the fault was not with Congress, whose duty it should be to enact such rules and regulations as ought to govern that institution. The honorable member from Rhode Island as well as other gentlemen opposed to a Naval School, appeared to forget that warrants were (and very properly) granted to youths at a very early and tender age, before they can (even if they are the sons of rich and wealthy parents, able to bear the expense) obtain a suitable education to render them as useful and respectable as they might and ought to be through life. He presumed no one would deny the benefit, as well as gratification, resulting from a scientific education, not often to be obtained on board of ship, but contemplated to be afforded to all at this Naval School. Again, he would remind the committee of the very great advantage that would result from having such an institution near at hand, to which the Secretary might direct young officers, when in port, to go, for improvement, instead of granting furloughs indiscriminately, as now done, obliging them to spend most wastefully, and it is to be feared often most destructively, if not dishonorably, their pittance of half pay.

Mr. WOOD, of New York, having also replied,

The question was taken on striking out, and carried, ayes 71, noes 65.

The committee then rose.

In the House, the amendments reported by the Committee of the Whole to the Naval Bill, were taken up in order, and severally agreed to, until the House came to that which strikes out the section providing for a Naval School. On the question of concurrence in this amendment, Mr. WEEMS demanded the yeas and nays, which were ordered by the House.

Mr. HOFFMAN stated his views briefly in opposition to such an institution, and in favor of concurrence in the vote of the committee.

Mr. STOKES replied, denying that the subject was novel, and insisting that the subject was at least seven, if not twelve years old. This very bill, he said, had lain for fifteen months on the table. He went into a full exposition of the plan, which he earnestly defended.

Mr. SAWYER said the estimate of appropriations for the Navy, will present an aggregate of upwards of three millions, which is half a million more than last year; it was then \$2,526,612, although the half million allowed out of that sum, for the gradual increase, was not then called for, the law having expired. But to promote these maxims of economy, we are called upon to extend the term for the gradual increase, and contrive some way to economize this half million annually out of the Treasury. Three schemes are devised: one, to buy more timber and lay up to season; another, to construct docks; and a third, to lay the foundation for a School of Naval Education.

We have a Navy of 12 ships of the line, 20 frigates, and sloops in proportion, besides several of each class, on the stocks; and, although our revenue falls short more than a million this year, and the time has expired for the gradual increase of the Navy, yet as economy must be consulted, we must build docks, cut down trees, and even establish a Naval School. As I do not understand this kind of economy, I shall not agree to do either. I am willing to let the trees grow longer, and to let our officers learn naval tactics at sea. While other nations are dismantling, or placing their navies on a peace establishment, I think we ought to be satisfied with the present number of our ships, until we see some signs for the actual use of them. For all purposes of exhibition or parade, for the gratification of national vanity, I think the expenditure of upwards of three millions ought to suffice.

The gentleman from New York (Mr. STOKES) has just told us, this school, with its nine professors, is to cost us but \$7,000 a year. But, has the gentleman taken into the calculation the purchase of ground and buildings for the location. But taking it for granted that it will cost only that sum, that small sum may prove a canker in the body politic. It will tend to corrupt the whole mass of the nation. We see the effects which are produced by our Military Academy; the annual proselytes which it adds to the Administration: but when this vast source of promotion and patronage is added, when there is no limit to the number admissible, we

can readily judge what a powerful engine it may prove in favor of the Government. The temptation to gain admission there will be irresistible. It will pervade every quarter of the Union. The dull pursuits of civil life will be abandoned; labor will be shunned as ignominious, and a general rush will be made by the higher class of our population for the wide-opened doors of this school. This must have a tendency to produce degeneracy and corruption of the public morality, and change our simple Republican habits.

Mr. BRADLEY followed on the same side. He had understood, from authority upon which he placed the most perfect reliance, that it required seven years' service to make a prime seaman. The present mode of educating midshipmen, was to instruct them in navigation during voyages, between decks, and, in the mean time, they were acquiring the habits of a sailor's life, and learning the parts and management of a ship both in calms and tempests. He put it then, by way of inquiry, how the public interest could be subserved by giving them a preparatory education on shore, when so much time must be afterwards consumed before they could be perfect in their duty.

Mr. WOOD, of New York, in answer, stated a variety of facts in relation to the British Navy and its Marine school, to show the advantages which might be expected from a school of this sort.

Mr. COOKE said a few words in answer, the substance of which was, that the American naval officers were not inferior, in any respect, to the British, though we have hitherto had no Naval School.

Mr. WOOD explained, and denied having made or meant any such assertion.

Mr. KREMER spoke in opposition to the school, as intended to increase the patronage of the Executive, and calculated to injure the morals of the young men who might enter it.

The question was then taken, by yeas and nays, on concurring with the Committee of the Whole on striking out the part of the bill which relates to a Naval School, and decided in the affirmative—yeas 86, nays 78.

So that part of the bill was struck out.

FRIDAY, March 2.

#### *British Colonial Trade.*

On motion of Mr. TOMLINSON, all the orders which preceded the Colonial Trade Bill were dispensed with; and the House took up the bill as received from the Senate.

Mr. TOMLINSON proceeded to state the substance of the bill, and to explain the operation and effect of the amendment. The first section, he said, proposed to abolish the discriminating duties which are imposed by our laws, on British vessels and their cargoes, arriving in the United States from the British colonial ports, after the 31st of December next;

the second suspended until that day, the acts of Congress of the 18th of April, 1818; the 15th of May, 1820; and the 1st of March, 1823; and the third section authorized the President to issue his proclamation, declaring that the acts suspended by the second section are repealed, if he should, at any time, before the 31st of December next, receive satisfactory evidence that the prohibition of commercial intercourse, by the British Order in Council of July last, had ceased, and that no discriminating duties of tonnage or impost are imposed in the ports enumerated in the first section of the bill, on the vessels or produce of the United States arriving in such ports. If, therefore, the bill from the Senate should become a law, and no arrangements should be made between the two Governments before the 31st of December next, British vessels would, after that time, be admitted into the ports of the United States, from the British colonies, paying no discriminating duties whatever, either on their tonnage or cargoes, while vessels of the United States would be absolutely excluded from the British West Indies, and all the other colonies named in the Order in Council, except the continental colonies in North America; and in the ports of the latter colonies, American vessels would be required to pay on their tonnage and cargoes, the discriminating duties which had been continued by that order. Such a state of the trade would result from the passage of the bill, unless some measure should be adopted by our Government to prevent it, before or at the period mentioned.

In the mean time, the act of 1823 being suspended by the second section of the act before the House, British vessels would not only enter our ports directly from the British colonies, but would be allowed to depart thence, laden with our produce, to any part of the world. They might even clear directly for Cuba, or any other West India island, or clearing for the British colonies, being in consequence of the suspension of that act, no longer obliged to give bonds to land their cargoes in a British colonial port, they might engage in carrying, as they would be allowed to carry, our own produce to any market.

Now, sir, said Mr. T., is it not apparent to every mind, and can it be denied or doubted, that this state of the commercial intercourse between the British colonies and the United States, will be decidedly disadvantageous to our navigation, besides placing this nation before the world, in the attitude of humiliation? To permit it would be to abandon entirely the ground which this country had uniformly maintained, in its commercial relations and intercourse with all nations. It would be a departure from the principles which had governed our councils from the organization of our Government. For himself he was free to say that he would not yield his assent to a measure which involved such consequences. Such a state of things ought not to exist. In his opin-

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*British Colonial Trade.*

[H. OF R.]

ion, a due regard to the honor of the country forbade it. The rights and honor of the nation he would maintain. However anxious he might be that the two Governments should make a friendly and satisfactory arrangement, in respect to a subject which had so long been in negotiation, he was, by no means, prepared to give his consent to an act, which, in the event of no arrangement being made, would leave British shipping in possession of the whole trade with the British West Indies, and to give to it a most manifest advantage in the continental ports, while it left our own navigation pressed by all the embarrassments and restrictions to which it was now subjected by British laws. If this bill should become a law, he thought its tendency would be to procrastinate, rather than to facilitate an arrangement between the two Governments.

He was utterly opposed to the adoption of any measure, which did not establish an ultimate exclusion from our ports, of British ships coming from the colonies, in case Great Britain should continue the provisions of her Order in Council. If that order should not be annulled, he deemed an interdict of all intercourse with the British colonies indispensable, and he entertained the decided opinion that the interdict ought now to be established by Congress, to take effect after a reasonable time. The want of such an interdict constituted the chief defect of the bill under consideration, and with him, an insuperable objection to it.

Mr. T. said he should have preferred the 30th of September next, as the period when the prohibition of the colonial intercourse proposed by the amendment should take effect, the former acts, on the same subject, having gone into operation on the 30th of September next following their passage; but he was not disposed to insist on that day, and was willing, for the purpose of effecting the passage of a proper act, which he deemed important, to extend the period to the 31st of December next. In this opinion he understood the Committee on Commerce to concur. A full and fair opportunity would thereby be afforded to settle, by negotiation, a perplexing and difficult question, affecting important interests.

The interdict of the Order in Council took effect in less than four months after the promulgation of the order, but we, by this amendment, do not propose an interdict until the lapse of ten months, although the British interdict has been in operation since last December. This certainly was liberal, perhaps too liberal; but it would manifest a friendly spirit, as well as a spirit of forbearance on the part of this Government. It will, however, give the British Government distinctly to understand, what is our purpose on the happening of an event which we wish to avoid. He would not leave the matter in a state of uncertainty, which might, and probably would, induce the British Government to speculate on our ultimate measure. It was due to frankness, that

the measure by which we mean to abide be now fixed.

The measure certainly could not be justly offensive to Great Britain. She had no right to except to it, having herself led the way. It was not a threat, but a measure of protection on our part.

In order to effect the interdict which the Committee on Commerce considered expedient, the amendment he had offered proposed to revive the acts of the 18th of April, 1818, and of the 15th of May, 1820, which constituted the interdiction deemed proper by Congress at that time, under circumstances like the present. The measure now proposed had been tested by experience, and found effectual. It had once induced Great Britain to open her colonial ports to our navigation, and would probably be again followed by a like result. It was the safer mode, because it had been tried. The construction of those acts had been settled, and was well understood. He, therefore, was willing to substitute the system established by those acts for the interdict originally proposed by the Committee on Commerce. It was co-extensive with the Order in Council, and met, and would, he hoped, thwart, the object of it.

The amendment provides, also, that the act of March 1st, 1823, shall be repealed on the 31st of December next, and thus will take away that obstacle to negotiation. Mr. T. said he felt fully satisfied that no measure of less rigor than that proposed in the amendment, ought to be adopted; but with that alteration of the bill, he should give it his support. Unless the principle of the amendment should be incorporated into the bill in some form, it was to him very objectionable, and, in his opinion, it ought not to be passed.

He said he had proposed in the amendment, certain modifications of the section of the bill from the Senate under consideration, which were intended, by a change of the phraseology, to remove an ambiguity that was apparent on a slight examination of it, and to make the section clear and explicit. As the section stood, it might lead to difficulty, in case it should become necessary to carry it into effect. He submitted the amendment to the House, in the hope that it would be approved.

Mr. FORSYTH rose to state what he understood to be the difference between the bill from the Senate and the bill reported by the Committee on Commerce of the House, and the effect which would be produced on the bill of the Senate by the amendment just proposed by the gentleman from Connecticut, (Mr. TOMLINSON.) The bill from the Senate proposes to suffer the trade to remain as it now is, until the 31st of December next; suspends the acts of 1818, 1820, and 1823, except in regard to the discriminating duties, until that time; after the 31st of December, the discriminating duties are abolished, but the acts of 1818, 1820, and 1823, will stand as they now do, and if, in the mean time, no arrangement is made, the Presi-

dent must, according to the provision of the act of 1823, issue his proclamation announcing the existence of the fact, upon which the acts of 1818 and 1820 are immediately in force. The bill of the Committee on Commerce of the House interdicts all intercourse after the 30th of September, unless one of two propositions offered to Great Britain by the bill is accepted before that day. In the mean time the trade remains as it is. After that time, if no arrangement is made, there is an interdict of all intercourse. The difference between the two propositions is, as to time, between the 30th of September and the 31st of December. Our bill proposes express terms on which alone the trade can be restored to its former state. The other leaves the whole matter open to negotiation. Both are founded on a belief that the British Government is disposed to make a fair arrangement. The proposition of the Senate is preferable, as it gives more time, and leaves the whole subject to negotiation, unembarrassed by legislative propositions. The gentleman now proposes, as an amendment to the Senate's bill, to revive the acts of 1818 and 1820, and to repeal the act of 1823, after the 31st of December, leaving the trade just as it would stand under the bill, until that time. The proposed amendment is unnecessarily involved. The acts of 1818 and 1820 being suspended by the act of 1823, will revive whenever the act of 1823 is repealed. The proposition is, therefore, simply to repeal, on the 31st day of December, the act of 1823, the trade being, in the mean time, in the same condition as it will be if the Senate's bill should become a law. The value of the proposed amendment would be perceptible by considering the relative condition in which the trade would stand on the 31st of December, supposing that no satisfactory arrangement is made in the interim, under the bill of the Senate, as it is, and as it would be, if the amendment should be adopted. On the 31st of December, under the Senate's bill, all the acts of 1818, 1820, and 1823, will stand as they now do, save only that the discriminating duties will be repealed. The President must issue his proclamation under the act of 1823, and the acts of 1818 and 1820 interdicting intercourse will be enforced. Under the bill as proposed to be amended, the act of 1823, which suspends the acts of 1818 and 1820, being repealed, the acts of 1818 and 1820 are enforced without a proclamation. The whole difference then is between an interdict preceded by proclamation of the President and an interdict without a proclamation. Entertaining as he did, the belief that the act of 1823 did not vest a discretion in the President to withhold the proclamation after the fact contemplated by the act occurred, Mr. F. could not see the policy of touching the Senate's bill. He submitted to the honorable Chairman of the Committee of Commerce, and to the gentlemen who thought with him, whether it would not be better at once to adopt the bill of the Senate,

and put an end to the question. Were he even incorrect in that opinion, as the President would have the power, under the act of 1823, to issue the proclamation, Mr. F. presumed gentlemen would be willing to rely upon the firmness of the Chief Magistrate to do that which they seemed to believe the public interest would require. Mr. F. could not understand why the proposed amendment was urged as less humiliating than the Senate's bill, or in what respect it produced any alteration in the trade between this and the 31st of December. If he was incorrect in his views of the matter, he stood open to conviction, and would acknowledge the error, when it should be pointed out to him.

Mr. ARCHER thought it was not very material which of the two propositions the House should accept. He was one of those who thought there could be no sort of advantage from a retrospect of what had taken place. Our object at present was to produce an arrangement of the existing difficulty—and whether, by going back to the steps which had been taken, we should prove that we, or Great Britain, had been in the wrong, it would, in his opinion, be equally undesirable. There was but one purpose for which such a retrospect could be necessary, viz: to determine at what point in the controversy we had now arrived. If this Government does not mismanage, and without necessity provoke that of Great Britain, there will undoubtedly be an adjustment. It was impossible she should refuse to put the trade upon a proper footing, unless she should have her national pride provoked by some offensive features in our bill. What was, in truth, the great difference between the Senate's bill, and the amendment of this House? Both held out substantially the same terms. According to both, the trade will remain as it now stands till December. The amendment couples with this a matter of offence—a menace of interdict. It tells Great Britain that you hold a rod over her head. Why must this be added? Do we want to offend? Do we wish to prevent a compromise? Great Britain is disposed to adopt our terms, unless we fasten on something offensive. And to what end shall we do this? Will any one tell me that England does not already fully understand, that, if she refuses, we shall apply an interdict? There can surely be no one so absurd as to suppose this for a moment. She will understand this fully, as well without a threat as with one. He hoped, therefore, that the House would not risk losing the bill, by pertinaciously insisting on the amendment. The bill of the House was not so full as that of the Senate, and by insisting, they would only get into a squabble with the Senate, and effect no good purpose.

Mr. WURTS said, that he was one of those who had voted to extend the interdict to Canada; but for the sake of getting the bill through the House, he had given up his opin-

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[H. OF R.]

ion; but he had rather have no bill at all than take that of the Senate; that bill leaves the trade open, subject to discriminating duties; to this he did not object; he considered it as liberal and proper; but it goes further, and proposes, after the 31st of December, to repeal the discriminating duties. Could gentlemen feel prepared to go home and say to their constituents, we left the trade, until the 31st of December, in the possession of British vessels, and after that period, we left vessels, trade, and all, in their hands? Mr. W. said that he, for one, was not content to leave matters in such a posture. By the amendment, we propose to say to Great Britain, in a spirit of manly frankness, not in a spirit of hostility, if you accept the terms we offer you, it is well, but if not, the acts of 1818 and 1820 will go into force. He trusted the next Congress would do more than this. He concluded by saying that he was willing to abandon his objection respecting the Canadian trade, but he could not consent to give up the amendment.

Mr. BRYAN said, that his State was materially interested in the present question; and if the bill had come up at an earlier period of the session, he should have considered it his duty to have gone into a more extensive discussion of the subject than would now be proper. He rose at present chiefly for the purpose of pointing out the inconsistency into which the House would be betrayed by adopting the amendment. He was willing to act fairly, but he would also act firmly. When the Government did interdict the trade he was in favor of making the interdict general. The great majority of the House, he was confident, were disposed to advocate an interdiction both by sea and land; and if it were laid at all, it should not only revive the acts of 1818 and 1820, which cut off the trade "by seas," but should extend universally to every part of the Union. If it was intended as a threat directed to the interests of Great Britain, it should be made to affect her interests as much as possible. It was at present the policy of Great Britain to revive the trade of the Canadas, and to build up those provinces as rivals to the United States. The extensive fortifications now erecting all along the frontier, were not without a meaning; the proximity of these provinces to our territory enabled her to assail our trade and navigation more effectually through the Canadas than through the West Indies. She is evidently about to try the experiment whether she cannot feed her West India possessions through her continental provinces; if she finds that she can do this, she will turn about and laugh at us, and set our interdicts at defiance.

The question was then taken, and the amendment agreed to, 80 to 56.

#### *The United States and Georgia.*

The following Message was received from the President of the United States:

*To the Senate and*

*House of Representatives of the United States:*

WASHINGTON, 2d March, 1827.

I transmit to both Houses of Congress copies of communications received yesterday by the Secretary of War from the Governor of Georgia, and from Lieut. Vinton.

JOHN QUINCY ADAMS.

[The communications herewith transmitted consist of the letter of Governor Troup, already published by us as copied from the Georgia papers, and two letters from Lieutenant Vinton to the War Department, one of which transmits the Georgia paper containing the military order of Governor Troup; and also the following, which, by some accident or other, we had not before seen:]

EXECUTIVE DEPARTMENT, GEORGIA,  
*Milledgeville, 17th February, 1827.* }

Ordered, That the Attorney and Solicitors General of this State, in every instance of complaint made of the arrest of any Surveyor engaged in the survey of the lately ceded Territory, by any civil process under authority of the Government of the United States, do take all necessary and legal measures to effect the liberation of the person so arrested, and to bring to justice, either by indictment or otherwise, the officers or parties concerned in such arrestation as offenders against the laws and violators of the peace and personal security of the public officers and citizens of this State; that they give professional advice and assistance in their defence against any prosecution or action which may be instituted against them as officers in the service of the State; and that they promptly make known to this Department, their acts and doings in the premises.

It is, moreover, enjoined on the civil magistrates of this State, having competent jurisdiction of the same, to be aiding and assisting in inquiring into the causes of every such arrest or detention as aforesaid, that the person may be discharged forthwith, if illegally or unjustly detained; and in affording such redress to the aggrieved or injured party, as, by law, he may be entitled to receive.

By the Governor:

E. H. PIERCE, Secretary.

Mr. EVERETT moved its reference to the Select Committee on the subject of the Georgia Controversy.

Mr. FORSYTH warmly opposed this reference; and, after some discussion, moved to lay the Message and documents upon the table, and to print them.

The motion was negatived—ayes 54, noes 63.

The discussion was then farther continued by Messrs. DRAYTON and WRIGHT, when the Message, &c., was referred to the Select Committee, as moved by Mr. EVERETT—ayes 68, noes 41.

Mr. WEBSTER moved to postpone the orders of the day, which precede two bills granting certain sections of land to the States of Illinois and Indiana, to aid those States in the construction of two canals.

The motion prevailed. The bills were taken up, and after an animated debate, in which

MESSRS. WEBSTER, HOFFMAN, HAMILTON, WOODS, GOVAN, HAILE, and MERCER, took part, Mr. HOFFMAN moved to lay the bill for Illinois on the table.

The motion was negatived, and the debate renewed by MESSRS. BASSETT, MERCER, McDUFFIE, WEBSTER, HAMILTON, MINER, and BURGESS; when Mr. BURGESS moved to lay the bill upon the table.

The motion was negatived—ayes 60, noes 65.

Mr. HAYNES now moved that the House take a recess till six o'clock, which was carried.

At the evening session, Mr. STORRS moved that a Committee of Conference be appointed on the part of the House to meet a similar committee on the part of the Senate, on its disagreement to the second amendment made by the House in the bill for the gradual increase in the Navy—(for increasing the number of Dry Docks to three.) The motion prevailed, and a committee of three was ordered.

#### *Canal in Illinois.*

The bill allowing certain townships of land to aid the State of Illinois in the construction of a canal being again under consideration—

Mr. MINER moved to recommit the bill, "with instructions to inquire into the expediency of subscribing, on behalf of the United States, for stock in the proposed canal, to an amount not exceeding one-third of the whole; the stock to be paid for out of the proceeds of lands on or near the route."

Mr. M. avowed his decided hostility to the bill. What does it propose? said he. To give to the State of Illinois certain alternate sections of land, along the whole line of the proposed canal from Michigan to the Illinois River. The first question that arose was, what was the extent of this grant? how much land did we give? Could any gentleman tell? It was estimated at about two hundred thousand acres; but as the extent of the line of the canal was indefinite, so the grant was indefinite. Illinois might make the canal only fifty or sixty miles, and demand only two hundred thousand acres; but she might extend the canal down the Illinois along the whole extent of the State, and, under this bill, demand five hundred thousand, eight hundred thousand, or a million of acres. It is, said Mr. M., a strong objection, to my mind, that the whole matter is so indefinite. If we grant, we ought to know precisely what. These uncertain indefinite grants were extremely objectionable. No member on the floor of the House could tell, within several hundred thousand acres, what amount of land he was giving.

Again, sir, why do we give? We are told that if this canal be made, it will enhance the value of the public land through which it passes. Admitted. If we give money towards making the canal, we should know, then, exactly what we give, and all the public land would be enhanced in value; that which we propose to give, as well as what we retain. But suppose a propo-

sition was made on this ground, to give to that State \$200,000 to make the canal, would there be a single vote in this House in favor of such a proposition? But the argument would be equally strong in behalf of a grant of money as of land, and not liable to so many just objections. What is money? It is not value—it is the representative of value. Land is as valuable at what it is worth; and if you give the value, it matters not whether in money or land. Why then will gentlemen vote away the public property of one sort, when they would not of another? What is the value of this land? On the line of the canal, villages, towns, and cities, will grow up; some of the tracts will be of great value; take it altogether, it will not be an unfair estimate to put it at five dollars an acre. Suppose the canal 60 miles in length, and the land given 200,000 acres: you give then a million of dollars to Illinois: the canal is estimated to cost from 600,000 to 800,000 dollars; so that you make the canal, and give a bounty to that State besides. Who makes the canal? Those who furnish the funds. The people of the United States make the canal, and then they are to be taxed to all enduring time for liberty to use it. He begged gentlemen to consider that there was no restriction, no limitation, on the State of Illinois, as to the amount of tolls; they might impose tolls the most burdensome. He thought the matter had not been well considered. There is no member in this House or in this nation, more ardently the friend of internal improvements, (said Mr. M.,) than I am; but, I think the better mode to pursue is to subscribe to stock in canals so that our expenditure shall be an accumulating fund, enabling us to do more and more good as we advance. This seems to me a wild waste of the public domain. I entreat gentlemen to pause before they make this excessive grant. In my opinion, it will bring a system of internal improvements more into disrepute than all the arguments of its enemies. Sir, Pennsylvania came this session, I will not say cap in hand and with bended knee, but in the most respectful manner, and asked the grant of one little township for her institution for the deaf-mutes—poor dumb mouths—they could not plead for themselves. What was the answer? This petition was rejected—this request was refused; and now you propose to give to Illinois two hundred thousand acres. I hope the bill may be recommitted.

After some further debate—

Mr. HOFFMAN moved to lay the bill on the table.

On this question, Mr. VANCE demanded the yeas and nays, and they were ordered by the House. The question was then taken, and determined in the negative, by yeas and nays—69 to 92.

Mr. HAILE advocated the grant to Illinois.

The motion of Mr. MINER was then determined in the negative.

Mr. HAILE then moved an amendment pro-

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posing a similar grant to each State in the Union, for the purposes of internal improvements—but the Chair decided the motion to be out of order.

Mr. HAYDEN moved to strike out 20, and insert 10, as the number of years within which the canal must be completed. The motion was negatived—ayes 59, noes 73.

The bill was then ordered to a third reading; and was read a third time; and, the question being, shall it pass?

Mr. McCOR demanded the yeas and nays, and they were ordered by the House, and were, yeas 90, nays 67.

So the bill was passed, and returned to the Senate.

A similar bill, with respect to the Indiana canal, was ordered to a third reading, and, having been immediately read a third time, was passed, and returned to the Senate.

The House, on motion of Mr. BRENT, went into Committee of the Whole, Mr. WICKLIFFE in the chair, on the bill to increase the salary of the Postmaster General.

Mr. LONG moved an amendment, going to increase the salaries of his two assistants by \$500 each, and reduce the increase proposed for the Postmaster General from \$2,000 to \$1,000.

The amendment was negatived; and the bill was reported to the House without amendment, read a third time; and the question being on its passage—

Mr. BARRINGER asked the yeas and nays, but the House refused to order them.

Mr. PEARCE opposed the bill; insisting that the merit of the present incumbent was leading the House to an improper enlargement of the salary attached to the office. He referred to the Fifth Auditor, as performing duties equally arduous, and expressed an opinion that \$1,000 would be a sufficient increase.

Mr. COCKE warmly advocated the bill, and spoke in high terms of the fidelity and industry of the officer in question.

Mr. FORSYTH said a few words on the same side; when

Mr. KREMER warmly opposed the bill, as did

Mr. PEARCE, in a few closing remarks; when, the question being taken, the bill was passed—ayes 103.

The House then, on motion of Mr. VANCE, went into Committee of the Whole, Mr. FORSYTH in the chair, on the bill to increase the compensation of Captains and Subalterns in the Army; which was reported without amendment, read a third time, passed, and returned to the Senate.

#### *The Navy Bill.*

Mr. STORRS, from the Committee of Conference, appointed on the disagreeing votes of the two Houses, on the bill for the gradual improvement of the Navy, made a report, by which the Joint Committee of Conference recommended that the following clause be

added, by both Houses, to the fourth section of the bill, and that the amendment of the House be receded from on its part: "and as soon as the said docks shall be completed, docks shall be constructed at the two remaining places, surveyed under the resolution of the 22d of May, 1826."

A message from the Senate was received, stating that it had refused to agree to this clause, and adhered to its own bill.

[The House then receded from its amendment, and the bill was subsequently passed.]

#### *Colonial Trade Bill.*

The disagreement of the Senate to the amendment of the House, to the Colonial Bill, having been announced—

Mr. TOMLINSON moved that the House insist on its amendment and ask a conference.

Mr. FORSYTH stated that the United States were obliged to act with delicacy on this subject, because Great Britain has told us, in a sarcastic, if not an insolent tone, that so long as the act of 1823 remains unrepealed, things shall remain as they are. The committee in its propositions, has evaded the question. The difference between the 30th of September, at which time the committee proposed that the bill should take effect, and the 31st December, which is proposed by the Senate, he did not regard as worth disputing about.

Mr. WEBSTER most decidedly supported the motion for insisting on the amendment to the bill, as made by this House, preferring that the bill should fail altogether, rather than it should pass without this amendment.

Mr. WRIGHT said, the gentleman from Georgia, (Mr. FORSYTH,) when he first addressed the Chair, insisted there was no material difference between the bill from the Senate and the amendment of this House, and he invoked you not to sacrifice the interests involved in this question upon mere punctilio and form. Now the gentleman seems to think there is a material difference in the propositions, and the comparison results favorably, in his view, to the bill from the Senate. It is difficult, sir, to accord with the views of gentlemen who shift their ground so often, and in so short a time, and we must endeavor to inform ourselves, from some other source, of the true state of the case.

I think, sir, said Mr. W., there is a very material difference between the two propositions, and I will endeavor in a few words—for I will not, at this late hour, consume your time in discussion—to give you the sum of the difference. The proposition of the House contains specific legislative provisions, of a retaliatory character, intended to remedy the unjust inequality to which the British Government has subjected our trade with her colonies. These provisions are in conformity with the course and policy heretofore pursued by the Government, with the sanction of the country. The bill from the Senate, to my understanding,



makes no such provisions, but leaves every thing at loose ends. It says to the British Government, if you do not, within a given time, change your determination in relation to our trade, we shall do nothing, and let you take your own course. Here is, indeed, an essential difference. The one proposition abandons the settled policy of the country, its legislation, and its interests, to the entire control of British legislation, and the orders of the King and his Ministers in council. The other occupies American ground, and seeks, by congressional enactments, to remedy existing evils. Sir, the agricultural, grain-growing portions of this community have too much at the hazard in this question not to be deeply sensible of the great importance of this trade, as affecting the almost entire markets for their surplus produce. But, sir, let foreign Governments affect this interest as they will, gentlemen may rest assured the farmers of the United States will never abandon their own country, or submit American interests and American rights to the fostering care of Great Britain, or to British legislation. I, for one, sir, can never consent to give up the power of legislating for the rights and interests of the people of the United States, which, under the constitution, the people have confided to us, to the control or direction of any foreign power whatever, much less to the Parliament of Great Britain. Let us legislate for ourselves, and preserve the rights and interests of the people, by our own acts, and not abandon them to our enemy and rival. I had much rather no act should pass on the subject of this trade, than to pass the bill from the Senate, and I think such is the sentiment of the people of the country. I hope we shall insist on our amendment, and if we fail of success in that, that the bill from the Senate will be rejected.

Mr. BUCHANAN said he would have preferred the bill of this House to that of the Senate, because it came out boldly. But the committee had abandoned this bill, and allowed Great Britain a monopoly until the 31st of December. He was willing to support the dignity of the country. He thought the only difference was, whether we should act now by anticipation, or at the meeting of the next Congress? He was unwilling to act now in the manner proposed by the Committee on Commerce, since it had taken this bill. If Congress should not act, he, for one, should not blame the President for issuing his proclamation, and ordering an interdiction.

Mr. WURTS defended the Committee on Commerce for having taken the bill from the Senate, on the ground that it was so late in the session as to render it impracticable to get the original bill through. He was willing to leave the legislation on the subject till next Congress. The President had acted well in refraining from issuing his proclamation as Congress was about to go into session, and in leaving it to Congress. Now let Congress act, and give

its opinion. Why should it not do so? Why is it to be left to the Executive? He would rather leave the whole to Congress at its next session, than agree to this amendment of the Senate.

Mr. McDUFFIE said, if I correctly apprehend the true state of this question, as presented by the conflicting views of the two Houses, the gentleman from Massachusetts (Mr. WEBSTER) is under an erroneous impression as to the supposed inefficiency of the bill of the Senate. I understand the gentleman to say that the bill sent to us by the Senate absolutely effects nothing until the 31st of December next, and that we had as well pass no bill at all until the meeting of the next Congress. The gentleman appears to me to have overlooked entirely the very diplomatic difficulty which our present legislation is intended to remove. It will be recollected that the great obstacle which has heretofore prevented the adjustment of this question with England, is the pretension set up by our Government, under the ambiguous phraseology of the act of 1823, to have our merchandise imported into the British West India islands, with no higher duties than are levied upon similar merchandise imported into those islands, from the other parts of the British Empire. The British Minister alleges that this is in effect to claim to have our own citizens placed not only upon the footing of the most favored nations, but on the footing of English subjects; and that he will not consent to negotiate upon the subject, while such an absurd pretension remains upon our statute book. This I understand to have been the ground upon which Mr. Canning broke off the negotiation with our Government; for it was not until the British Government was informed that a proposition to repeal the exceptionable pretensions set up by the act of 1823, had been rejected by the legislative branch of this Government, that Mr. Canning refused to continue the negotiation. Now, sir, the object of the bill of the Senate is to do what we were prevented from doing at the last session, by the interference of the Executive, and which, if it had been done, this whole difficulty would have been avoided. The bill proposes to renounce, by a legislative declaration, the indefensible pretension which the British Minister seems to regard as an insuperable barrier to negotiation, and which our own Government, in their instructions to Mr. Gallatin, have distinctly abandoned. To say, therefore, that the bill of the Senate will effect nothing until the 31st of December, appears to me to be an assertion founded upon a total misconception of the causes of our present difficulty. It is not because the British are unwilling to accept the terms recently offered by our Government through Mr. Gallatin; for they are the very terms that Government offered to accept more than twelve months before Mr. Gallatin's arrival in England. It is not because our Government are now unwilling to grant those terms, for, after huckstering for an unattainable

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ble shadow till they lost the substance, they are now willing and anxious to do what they grossly neglected to do when they had the power. The real difficulty, then, which now remains between the Governments, is not one affecting the honor of either, but a mere matter of diplomatic etiquette.

The British Government proposed, by the act of Parliament of 1825, to place our trade with their West India islands on a footing of perfect reciprocity. Our Legislature, under the avowed recommendation of the Executive Government, refused to meet this legislative tender by a corresponding act on our part.

The British Government have chosen to regard this as a disrespectful tampering with their dignity. Whether it is so or not, I think it is the part of a wise Legislature to avail itself of the very first occasion to convince the British Government that we had no such intention. And, sir, if the influence of the Administration shall again defeat the attempt to remove the existing obstacles, as present appearances seem to indicate, I trust the nation will place the responsibility of the failure upon the shoulders of those who ought to bear it. The Senate have sent to this House a bill which does remove the existing difficulty, in the least exceptionable mode, and will enable our Government to resume the negotiation with the strongest possible hopes of success. The friends of the Administration in this House attach an amendment to the bill of the Senate, which is to have no effect until a month after the meeting of the next Congress, and yet declare they would rather lose the bill altogether than not have this amendment incorporated in it! Now, sir, I think the amendment proposed by this House, decidedly exceptionable, because it holds out an unprofitable threat to the British Government, which may prevent them from negotiating or rescinding their Orders in Council, but certainly can do no good before the meeting of Congress. There is another objection to the amendment proposed by this House. It does not embrace, in the interdiction it denounces after the 31st December next, the trade through the Canadas. Now, sir, I am clearly of the opinion that, whenever we do resort to a system of retaliatory prohibition, it ought to close up every avenue through which the interdicted trade may be carried on. If the British Government perceive, from a previous legislative declaration of ours, that we intend to leave open the Canadas, she will have all the inducement to adhere to her restrictive system, which the prospect of supplying her islands from the United States, through that avenue, is calculated to hold out. This is a contest, not for commerce, but for navigation. If, therefore, the British Islands shall be supplied through the Canadas, Great Britain will have the whole carrying trade—the very object of the controversy. The Senate therefore consider it important to exclude our proposed amendment from their bill; and if the friends of the Ad-

ministration in this House will pertinaciously adhere to an amendment which may do harm, and can do no good, with a full knowledge that, by such adherence, they will defeat the bill altogether, then I presume the responsibility of defeating the only measure which can extricate us from our diplomatic entanglements will fairly rest, a second time, upon the Executive Government. I trust, sir, the House will not adhere to its amendment, as, in the present state of the question, a vote to adhere is equivalent to a determination that no legislative act shall be passed on the subject.

Mr. LITTLE, then, after a few remarks on the shortness of the time remaining, demanded the previous question.

The call was sustained by the House, and the House having then determined that the main question shall now be put.

The question was then put, "Shall this House insist on its amendment?" and decided in the affirmative—ayes 71, noes 47.

The question being put on asking a conference, Mr. McDUFFIE asked the yeas and nays, but the House refused to order them.

Mr. POWELL advocated a conference, as did also Mr. McDUFFIE, Mr. CAMBRELENG, and Mr. TOMLINSON; and the question being put, the conference was asked for, and a committee of three appointed.

Mr. TOMLINSON, from the Committee of Conference on the Colonial Bill, reported that the Conferees of the two Houses had been unable to agree, and moved that this House do adhere to its amendment.

On this motion a very extensive and animated debate took place, which continued till near two o'clock.

The main question was then put, viz: "Will this House adhere to its amendment?" and decided by yeas and nays, as follows:

YEAS.—Messrs. Allen of Mass., Bailey, Badger, Baldwin, Bartlett, Bartley, Barber of Conn., Barney, Brent, Burges, Clarke, Cocke, Crowninshield, Davis, Dwight, Eastman, Everett, Fosdick, Gurley, Hasbrouck, Henry, Herrick, Hoffman, Hugunin, Humphrey, Ingersoll, Johnson of Virginia, Johnson of Ky., Kidder, Lathrop, Lawrence, Little, Locke, Mal-lary, Martindale, Marvin of New York, M<sup>r</sup>Manus, Meech, Merwin of Conn., Metcalfe, Miller of New York, Miner, James S. Mitchell, O'Brien, Pearce, Porter, Powell, Reed, Ross, Sands, Scott, Shannon, Sloane, Sprague, Stewart, Storrs, Strong, Swann, Test, Tomlinson, Tucker of New Jersey, Vance, Var-num, Wales, Ward, Webster, Whipple, Whittemore, Whittlesey, Williams, James Wilson, Woods of Ohio, Wright, Wurts, Young—75.

NAYS.—Messrs. Addams of Pa., Alexander of Va., Alexander of Tenn., Alston, Angel, Ashley, Barbour of Va., Barringer, Baylies, Blair, Bradley, Bryan, Buchanan, Cambreleng, Carson, Cary, Claiborne, Conner, Crump, Davenport, Deitz, Drayton, Edwards of Pa., Edwards of N. C., Findlay of Pa., Findlay of Ohio, Forsyth, Forward, Govan, Hamilton, Harris, Harvey, Haynes, Hines, Houston, Ingham, Isacks, Jennings, Krebs, Kremer, Lecompte, Livingston, Long, Marable, McCoy, McDuffie, McHatton, Merri-

wether, Miller of Pa., John Mitchell, Mitchell of Md., Mitchell of Tenn., Moore of Ky., Newton, Orr, Owen, Peter, Plumer, Polk, Taliaferro, Trezvant, Verplanck, Weems, Wickliffe, Wolfe—65.

So the House resolved to adhere to its amendment.

SATURDAY, March 3.

*Thanks to the Speaker.*

On motion of Mr. SWAN, it was

*Resolved*, That the thanks of this House be presented to the Honorable JOHN W. TAYLOR, for the able, impartial, and dignified manner in which he has presided over its deliberations, and performed the arduous and important duties of the Chair.

*Register of Debates.*

Mr. McDUFFIE moved the following resolution—

*Resolved*, That the Clerk of this House be authorized and directed to subscribe for three hundred copies of the Register of the Debates in Congress, for the two last sessions, published by Gales and Seaton, at the rate of five dollars per volume, and that he be authorized to pay for the same out of the contingent fund of this House.

In supporting this resolution, Mr. McD. adverted to the necessity for a work of this description, and its value in illustrating the laws of the country, by showing the motives and reasons which had influenced the Legislature in passing them; stated the great expense incidental to such a publication, and the inability of the publishers to persevere in their design without aid from Congress, as the character and price of the work restrained it from a circulation proportioned to its great public utility.

Mr. WEBSTER, after expressing similar views, stated his belief that the encouragement proposed in the resolution would be insufficient, and moved to increase the number of copies from from three to five hundred.

Mr. McDUFFIE accepted this amendment as a modification of his resolution.

Mr. WRIGHT and Mr. BARTLETT made some further observations on the character of the work, as hitherto executed, and in support of the resolution as modified.

Mr. FORSYTH opposed the resolution; and was replied to by Mr. EVERETT and Mr. MERCER; When the resolution was adopted.

*Colonization Society.*

Mr. MERCER, from the Select Committee to whom were referred the memorials of the American Colonization Society, and of sundry citizens of the United States praying for the aid of Congress in colonizing the free people of color of the United States in Africa; together with the resolutions of the States of Delaware and Kentucky, recommending to the favorable regard of Congress the prayer of the memorialists, made a report thereon favorable to the views of the memorialists, but recommending that the subject be postponed till the next session of Congress.

On a motion to print the report, a desultory debate arose, in which Messrs. FORSYTH, KERR, STRONG, CAMBERLENG, MERCER, and HAMILTON, took part.

Mr. WEEMS said he felt himself constrained to offer a word or two on this subject. He owed it to the honorable chairman, and to each member of the committee who had directed him to present this report, and, as one of that committee, to himself, to remark, that he considered this, to say the least of it, one of the most unusual and unprecedented attacks ever made upon a report on its presentation to this House; and he might be permitted to add, with propriety, the most unwarrantable. To print reports without being read was, assuredly, an every day practice. But if the House, under existing circumstances, was willing to afford the time, the committee could have no possible objection to have the report read; that he had heard it read twice, and that attentively, and so far as judgment went, he could assure gentlemen they would find it ably and instructively drawn up, not meddling in the least with the right of property in the slave, whilst, at the same time, it pointed out the true policy as to what should be done with the free people of color. A train of reasoning, sir, well calculated to produce convictions as desirable as honorable. When read, and properly understood, he might be permitted to say, he hoped and believed would be the means, under Providence, of inducing the South to step forward, and the North no longer to hold back. He said it was not his intention, at this stage of the session, unnecessarily to detain the House. The gentleman last up, from Maine, (Mr. SPRAGUE,) had measureably saved him the necessity, by anticipating him in some of his remarks. The report ought, and he trusted would be sustained, now that it had been attacked without a hearing, consequently the contents unknown. He would trouble the House with no further remark, but leave it to their good sense and justice, under a persuasion they would order the report to be printed.

And the report was then ordered to be printed—ayes 71, noes 40.

*Georgia and the United States.*

Mr. EVERETT, from the Select Committee to which was referred two Messages from the President of the United States, with resolutions of the Legislature of Georgia, and other documents, relating to the controversy as to the right to certain lands lying within the limits of the State of Georgia, occupied and claimed by the Creek Indians, made a long and detailed report thereon, recommending the adoption of the following resolutions:

1. *Resolved*, That it is expedient to procure a cession of the Indian lands in the limits of Georgia.

2. *Resolved*, That, until a cession is procured, the laws of the land, as set forth in the Treaty of Washington, ought to be maintained by all necessary constitutional and legal means.

Mr. EVERETT, after some remarks on the late-

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ness of the period of the session, and the unwillingness of the committee, at this moment, to engage in the discussion, unless compelled to do so by a determination of others to debate the subject, made a motion that the report and accompanying documents be printed.

The Chair thought some other disposition of the report must first be made.

Mr. POWELL moved to lay the report on the table, and print it; but withdrew his motion at the request of

Mr. DRAYTON, who said, as he did not concur in the report which had just been read, he should offer an amendment to it. The questions arising out of this report, (said Mr. D.,) require for their solution the consideration of great constitutional and legal principles—an examination into the political and territorial rights of Georgia before and since the adoption of the Federal Constitution; and an inquiry into the powers affecting these political and territorial rights, which, under that instrument, have been granted to the United States. Grave and complicate such investigations would be, if they were presented to us merely as abstract propositions; but when the parties at issue are the United States and a sovereign State, when the maintenance of the conflicting doctrines asserted by the President, and by the Governor of Georgia, may lead to the employment of the regular force against our fellow-citizens, may shake the solid fabric of our Union to its centre, and involve our country in the horrors of civil war, it is difficult to conceive any investigation in which we could be engaged, of a more important and critical nature. It would be incumbent upon a member of this body, before he approached their discussion, anxiously and dispassionately to have directed his mind to the subject, and after having done so, to state and support his opinion respectfully, but fully, candidly, and fearlessly. I have, sir, bestowed upon this report, and upon the matters growing out of it, as much attention as my duties as a member of the committee, and as my other duties as a member of the House, permitted, and I have arrived at the conclusions contained in the resolutions which I shall submit. Though it is ardently to be desired, that the judgment of Congress should be pronounced upon this controversy, as it would doubtless have a salutary influence in assuaging the passions which have been excited, yet believing that to be impracticable at this expiring period of the session, I shall refrain from making any observations in support of my resolutions, unless any arguments should be urged in favor of the report. In that event, I should endeavor to reply to those arguments, and to support my own views by reasoning and by authorities. Without further trespassing upon the time of the House, I beg leave, Mr. Speaker, to offer the following resolutions as an amendment to the report of the committee, to be inserted after the word "report:"

1. *Resolved*, That the State of Georgia possesses  
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the right to the soil, and the jurisdiction over the lands within her limits, which are in the occupancy of the Creek Indians.

2. *Resolved*, That the State of Georgia has the right to extinguish the title to the lands of the Indians within her Territory, and to legislate for them in all cases, subject to the right of Congress to "regulate commerce with the Indian tribes."

3. *Resolved*, That surveying lands in the occupancy of the Indians, within the limits of the State of Georgia, and by the authority of her Legislature, is not an interference with the right of Congress to "regulate commerce with the Indian tribes."

5. *Resolved*, That the treaty of the Indian Springs having been executed and ratified by the Creek Indians, and having been executed and ratified on the part of the United States, in the manner prescribed by the constitution, and never having been constitutionally repealed, all the rights which under it were conveyed to the State of Georgia are unimpaired at this time.

5. *Resolved*, That the President of the United States be requested to extinguish the claim which is set up by the Creek Indians to the lands in their occupancy, in the State of Georgia, which were not comprehended in the treaty of Washington.

[The question was then taken on printing, and carried in the affirmative.]

Mr. EVERETT moved the printing of 3,000 copies—8,000 also was moved, and 1,000.

The question being taken on 6,000—the yeas were 61, noes 57.

#### Final Proceedings.

A message was received from the Senate, notifying the appointment of a joint committee to wait on the President of the United States, and to inform him, that, if he has no further communications to make to Congress, the two Houses are about to close the present session by an adjournment.

The House concurred in the resolution for the appointment of this committee, and Mr. WEBSTER and Mr. BASSETT were named of the committee on its part.

The SPEAKER then rose and addressed the House as follows:

*Gentlemen of the House of Representatives:*

It was with unaffected diffidence, at the commencement of this Congress, that I entered upon the duties of the distinguished station to which your partiality was pleased to call me. For the favorable estimate you have this day expressed of my official labors, I pray you to accept my most grateful acknowledgments. The generous support which has been uniformly given to the decisions of the Chair, and the indulgence which has been extended to me, in the discharge of every other duty, have left on my heart an impression as enduring as life.

If the deliberations of this Congress have not resulted in many acts of great national interest, it has arisen from no omission on the part of the Representatives of the people to devote their time and talents to the public service; but is attributable, in part, to the happy condition of the country, which required few changes in its established policy, and, in part, to a difference of opinion between the two branches of the Legislature in regard to some measures of primary importance.

Under your fostering care, however, our establishments for defence, both military and naval, have advanced towards maturity; the means of information and commercial intercourse have been extended; the national debt has been reduced; and your best efforts have not been wanting to afford protection and encouragement to our navigation and manufactures.

More than two thousand subjects, of various description, presented for legislation, have been examined and reported upon, by the committees of this House, whose valuable and persevering labors entitle them to public gratitude. Although many important bills are arrested in their progress by the termination of Congress, the industry and intelligence which have been employed in maturing them will not be lost. To the hands of our successors we may safely confide the doing of whatever the nation shall require to be done.

With earnest prayers that the services in which we have been engaged may redound to the general welfare; that each of you, under the guidance of a protecting Providence, may meet your families and friends in health and prosperity, and long enjoy the confidence and esteem of your constituents; in closing the session, I wish you an affectionate farewell.

Mr. WEBSTER, from the committee appointed to wait on the President of the United States, reported the performance of that duty, and that the President had no further communication to make to the House.

A message was sent to the Senate, notifying them that this House is ready to adjourn; whereupon

The SPEAKER then adjourned the House *sine die*.

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*President's Message.*

[SENATE.]

## TWENTIETH CONGRESS.—FIRST SESSION.

BEGUN AT THE CITY OF WASHINGTON, DECEMBER 3, 1827.

## PROCEEDINGS IN THE SENATE.\*

MONDAY, December 3, 1827.

The hour of twelve having arrived, the Honorable JOHN O. CALHOUN, Vice President of the United States, took the chair. The roll of Senators having been called over by Mr. LOWRIE, the Secretary, it appeared that every member was in attendance, except Mr. WEBSTER, of Massachusetts, and Mr. THOMAS, of Illinois.

The oath of office was then administered to such members as, having been elected since the last session, now take their seats for six years from the present time.

On motion of Mr. MACON, the Secretary was ordered to wait upon the House of Representatives, and inform them that a quorum of the Senate was present, and ready to proceed to business. He returned, and reported that the House had not yet elected their Speaker.

A message was shortly after received from the House of Representatives by their Clerk, announcing that a quorum of that House had assembled; that ANDREW STEVENSON, of Virginia, had been elected their Speaker, and that they were ready to proceed to business.

Soon after, a second message informed the Senate that the House had passed a joint resolution, that a committee be appointed by each House, to wait on the President of the United States, and inform him that they were ready to receive any communication he might have to make.

The resolution was concurred in, and Messrs. MACON, and SMITH, of Maryland, were appointed a committee on the part of the Senate.

TUESDAY, December 4.

Mr. MACON, from the Joint Committee of both Houses, appointed to wait upon the President of the United States, reported that they had done so, and had received for answer that the President would make a communication, in writing, to both Houses, at twelve o'clock this day.

The Message was shortly after received from the President of the United States, by Mr. John Adams, his private Secretary, and was read as follows:

*Message of the President.**Fellow-Citizens of the Senate,**and of the House of Representatives:*

A REVOLUTION of the seasons has nearly been completed since the representatives of the People and States of this Union were last assembled at this place, to deliberate and to act upon the common important interests of their constituents. In that interval, the never-slumbering eye of a wise and beneficent Providence has continued its guardian care over the welfare of our beloved country. The blessing of health has continued generally to prevail throughout the land. The blessing of peace with our brethren of the human race, has been enjoyed without interruption; internal quiet has left

## \* LIST OF MEMBERS OF THE SENATE.

*Maine.*—John Chandler, Albion K. Parria.  
*New Hampshire.*—Samuel Bell, Levi Woodbury.  
*Massachusetts.*—Nathaniel Silsbee, Daniel Webster.  
*Connecticut.*—Samuel A. Foot, Calvin Willey.  
*Rhode Island.*—Nehemiah R. Knight, Asher Robbins.  
*Vermont.*—Dudley Chase, Horatio Seymour.  
*New York.*—Martin Van Buren, Nathan Sanford.  
*New Jersey.*—Mahlon Dickerson, Ephraim Bateman.  
*Pennsylvania.*—William Marks, Isaac D. Barnard.  
*Delaware.*—Louis McLane, Henry M. Eldgely.  
*Maryland.*—Samuel Smith, Ezekiel Chambers.

*Virginia.*—L. W. Tazewell, John Tyler.  
*North Carolina.*—John Branch, Nathaniel Macon.  
*South Carolina.*—William Smith, Robert Y. Hayne.  
*Georgia.*—J. McPherson Berrien, Thomas W. Cobb.  
*Kentucky.*—Richard M. Johnson, John Eowan.  
*Tennessee.*—John H. Eaton, Hugh L. White.  
*Ohio.*—William H. Harrison, Benjamin Ruggles.  
*Louisiana.*—Dominique Boulligny, Josiah S. Johnston.  
*Indiana.*—William Hendricks, James Noble.  
*Mississippi.*—Thomas H. Williams, Powhattan Ellis.  
*Illinois.*—Elias K. Kane, Jesse B. Thomas.  
*Alabama.*—Henry Chambers, William R. King.  
*Missouri.*—David Barton, Thomas H. Benton.

our fellow-citizens in the full enjoyment of all their rights, and in the free exercise of all their faculties to pursue the impulse of their nature, and the obligation of their duty, in the improvement of their own condition. The productions of the soil, the exchanges of commerce, the vivifying labors of human industry have combined to mingle in our cup a portion of enjoyment as large and liberal as the indulgence of heaven has perhaps ever granted to the imperfect state of man upon earth; and as the purest of human felicity consists in its participation with others, it is no small addition to the sum of our national happiness, at this time, that peace and prosperity prevail to a degree seldom experienced over the whole habitable globe; presenting, though as yet with painful exceptions, a foretaste of that blessed period of promise, when the lion shall lie down with the lamb, and wars shall be no more. To preserve, to improve, and to perpetuate the sources, and to direct, in their most effective channels, the streams which contribute to the public weal, is the purpose for which government was instituted. Objects of deep importance to the welfare of the Union are constantly recurring, to demand the attention of the Federal Legislature; and they call with accumulated interest, at the first meeting of the two Houses, after their periodical renovation. To present to their consideration, from time to time, subjects in which the interests of the nation are most deeply involved, and for the regulation of which the legislative will is alone competent, is a duty prescribed by the constitution, to the performance of which the first meeting of the new Congress is a period eminently appropriate, and which it is now my purpose to discharge.

Our relations of friendship with the other nations of the earth, political and commercial, have been preserved unimpaired, and the opportunities to improve them have been cultivated with anxious and unremitting attention. A negotiation upon subjects of high and delicate interest with the government of Great Britain, has terminated in the adjustment of some of the questions at issue upon satisfactory terms, and the postponement of others for future discussion and agreement. The purposes of the Convention concluded at St. Petersburg, on the 12th day of July, 1822, under the mediation of the late Emperor Alexander, have been carried into effect, by a subsequent Convention concluded at London on the 13th of November, 1826, the ratifications of which were exchanged at that place on the 6th day of February last. A copy of the proclamation issued on the nineteenth day of March last, publishing this Convention, is herewith communicated to Congress. The sum of twelve hundred and four thousand nine hundred and sixty dollars, therein stipulated to be paid to the claimants of indemnity under the first article of the Treaty of Ghent, has been duly received, and the commission instituted conformably to the act of Congress of the second of March last, for the distribution of the indemnity to the persons entitled to receive it, are now in session, and approaching the consummation of their labors. This final disposal of one of the most painful topics of collision between the United States and Great Britain, not only affords an occasion of gratulation to ourselves, but has had the happiest effect in promoting a friendly disposition, and in softening asperities upon other objects of discussion. Nor ought it to pass without the tribute of a frank and cordial acknowledgment of

the magnanimity with which an honorable nation, by the reparation of their own wrongs, achieves a triumph more glorious than any field of blood can ever bestow.

The Conventions of 3d July, 1815, and of 20th of October, 1818, will expire by their own limitation on the 20th of October, 1828. These have regulated the direct commercial intercourse between the United States and Great Britain, upon terms of the most perfect reciprocity; and they effected a temporary compromise of the respective rights and claims to territory westward of the Rocky Mountains. These arrangements have been continued for an indefinite period of time, after the expiration of the above-mentioned Convention; leaving each party the liberty of terminating them, by giving twelve months' notice to the other. The radical principle of all commercial intercourse between independent nations, is the mutual interest of both parties. It is the vital spirit of trade itself; nor can it be reconciled to the nature of man, or to the primary laws of human society, that any traffic should long be willingly pursued, of which all the advantages are on one side, and all the burdens on the other. Treaties of Commerce have been found, by experience, to be among the most effective instruments for promoting peace and harmony between nations whose interests, exclusively considered on either side, are brought into frequent collision by competition. In framing such treaties, it is the duty of each party, not simply to urge with unyielding pertinacity that which suits his own interest, but to concede liberally to that which is adapted to the interest of the other. To accomplish this, little more is generally required than a simple observance of the rule of reciprocity; and were it possible for the statesmen of one nation, by stratagem and management, to obtain from the weakness or ignorance of another, an overreaching treaty, such a compact would prove an incentive to war rather than a bond of peace. Our conventions with Great Britain are founded upon the principles of reciprocity. The commercial intercourse between the two countries is greater in magnitude and amount than between any two other nations on the globe. It is, for all purposes of benefit or advantage to both, as precious, and in all probability far more extensive than if the parties were still constituent parts of one and the same nation. Treaties between such States, regulating the intercourse of peace between them, and adjusting interests of such transcendent importance to both, which have been found, in a long experience of years, mutually advantageous, should not be lightly cancelled or discontinued. Two conventions for continuing in force those above mentioned have been concluded between the Plenipotentiaries of the two Governments, on the sixth of August last, and will be forthwith laid before the Senate for the exercise of their constitutional authority concerning them.

In the execution of the Treaties of Peace, of November, 1782, and September, 1783, between the United States and Great Britain, and which terminated the War of our Independence, a line of boundary was drawn as the demarcation of territory between the two countries, extending over near twenty degrees of latitude, and ranging over seas, lakes, and mountains, then very imperfectly explored, and scarcely opened to the geographical knowledge of the age. In the progress of discovery

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and settlement by both parties, since that time, several questions of boundary between their respective territories have arisen, which have been found exceedingly difficult of adjustment. At the close of the last war with Great Britain, four of these questions pressed themselves upon the consideration of the negotiator of the Treaty of Ghent, but without the means of concluding a definitive arrangement concerning them. They were referred to three separate Commissions, consisting of two Commissioners, one appointed by each party, to examine and decide upon their respective claims. In the event of this disagreement between the Commissioners, it was provided that they should make reports to their several Governments; and that the reports should finally be referred to the decision of a sovereign, the common friend of both. Of these commissions, two have already terminated their sessions and investigations, one by entire, and the other by partial agreement. The Commissioners of the fifth article of the Treaty of Ghent have finally disagreed, and made their conflicting reports to their own governments. But from these reports a great difficulty has occurred in making up a question to be decided by the Arbitrator. This purpose has, however, been effected by a fourth Convention, concluded at London by the Plenipotentiaries of the two Governments on the 29th of September last. It will be submitted, together with the others, to the consideration of the Senate.

While these questions have been pending, incidents have occurred of conflicting pretensions, and of dangerous character upon the territory itself in dispute between the two nations. By a common understanding between the Governments it was agreed that no exercise of exclusive jurisdiction by either party, while the negotiation was pending, should change the state of the question of right to be definitively settled. Such collision has nevertheless recently taken place, by occurrences the precise character of which has not yet been ascertained. A communication from the Governor of the State of Maine, with accompanying documents and a correspondence between the Secretary of State and the Minister of Great Britain, on this subject, are now communicated. Measures have been taken to ascertain the state of the facts more correctly, by the employment of a special agent to visit the spot where the alleged outrages have occurred, the result of whose inquiries, when received, will be transmitted to Congress.

While so many of the subjects of high interest to the friendly relations between the two countries have been so far adjusted, it is a matter of regret that their views respecting the commercial intercourse between the United States and the British Colonial possessions have not equally approximated to a friendly agreement.

At the commencement of the last Session of Congress, they were informed of the sudden and unexpected exclusion by the British Government, of access, in vessels of the United States, to all their colonial ports, except those immediately bordering upon our own territories. In the amicable discussions which have succeeded the adoption of this measure, which, as it affected harshly the interests of the United States, became a subject of expostulation on our part, the principles upon which its justification has been placed, have been of a diversified character, it has been at once ascribed to a mere recur-

rence to the old, long-established principle of colonial monopoly, and at the same time to a feeling of resentment, because the offers of an Act of Parliament opening the colonial ports upon certain conditions, had not been grasped at with sufficient eagerness by an instantaneous conformity to them. At a subsequent period it has been intimated that the new exclusion was in resentment, because a prior Act of Parliament, of 1822, opening certain colonial ports, under heavy and burdensome restrictions, to vessels of the United States, had not been reciprocated by an admission of British vessels from the colonies, and their cargoes, without any restriction or discrimination whatever. But, be the motion for the interdiction what it may, the British Government have manifested no disposition, either by negotiation or by corresponding legislative enactments, to recede from it, and we have been given distinctly to understand, that neither of the bills which were under the consideration of Congress, at their last session, would have been deemed sufficient in their concessions, to have been rewarded by any relaxation from the British interdict. It is one of the inconveniences inseparably connected with the attempts to adjust by reciprocal legislation, interests of this nature, that neither party can know what would be satisfactory to the other; and that, after enacting a statute for the avowed and sincere purpose of conciliation, it will generally be found utterly inadequate to the expectations of the other party, and will terminate in mutual disappointment.

The session of Congress having terminated without any act upon the subject, a Proclamation was issued, on the 17th of March last, conformably to the provisions of the sixth section of the act of 1st March, 1823, declaring the fact that the trade and intercourse authorized by the British Act of Parliament, of 24th June, 1822, between the United States and the British enumerated colonial ports, had been, by the subsequent Acts of Parliament, of 5th July, 1825, and the Order of Council, of 27th July, 1826, prohibited. The effect of this Proclamation, by the terms of the Act under which it was issued, has been, that each and every provision of the Act concerning Navigation, of 18th April, 1848, and of the Act supplementary thereto, of 15th May, 1820, revived, and is in full force. Such, then, is the present condition of the trade, that, useful as it is to both parties, it can, with a single momentary exception, be carried on directly by the vessels of neither. That exception itself is found in a Proclamation of the Governor of the island of St. Christopher and of the Virgin islands, inviting, for three months from the 28th of August last, the importation of the articles of the produce of the United States, which constitute their export portion of this trade, in the vessels of all nations. That period having already expired, the state of mutual interdiction has again taken place. The British Government have not only declined negotiation upon this subject, but, by the principle they have assumed with reference to it, have precluded even the means of negotiation. It becomes not the self-respect of the United States, either to solicit gratuitous favors, or to accept as the grant of a favor that for which an ample equivalent is exacted. It remains to be determined by the respective Governments, whether the trade shall be opened by acts of reciprocal legislation. It is in the mean time satisfactory to know, that, apart from the inconveniences resulting from a disturbance of the usual channels of trade,



no loss has been sustained by the commerce, the navigation, or the revenue of the United States, and none of magnitude is to be apprehended from this existing state of mutual interdict.

With the other maritime and commercial nations of Europe, our intercourse continues, with little variation. Since the cessation, by the Convention of, 24th June, 1822, of all discriminating duties upon the vessels of the United States and France, in either country, our trade with that nation has increased and is increasing. A disposition on the part of France has been manifested to renew that negotiation; and, in acceding to the proposal, we have expressed the wish that it might be extended to other objects, upon which a good understanding between the parties would be beneficial to the interests of both. The origin of the political relations between the United States and France, is coeval with the first years of our independence. The memory of it is interwoven with that of our arduous struggle for national existence. Weakened as it has occasionally been since that time, it can by us never be forgotten; and we should hail with exultation, the moment which should indicate a recollection, equally friendly in spirit, on the part of France. A fresh effort has been recently made, by the Minister of the United States residing at Paris, to obtain a consideration of the just claims of the citizens of the United States, to the reparation of wrongs long since committed, many of them frankly acknowledged, and all of them entitled, upon every principle of justice, to a candid examination. The proposal last made to the French Government has been to refer the subject, which has formed an obstacle to this consideration, to the determination of a sovereign, the common friend of both. To this offer no definite answer has yet been received; but the gallant and honorable spirit which has at all times been the pride and glory of France, will not ultimately permit the demands of innocent sufferers to be extinguished in the mere consciousness of the power to reject them.

A new Treaty of amity, navigation, and commerce, has been concluded with the kingdom of Sweden, which will be submitted to the Senate for their advice with regard to its ratification. At a more recent date, a Minister Plenipotentiary from the Hanseatic Republics of Hamburg, Lubeck, and Bremen, has been received, charged with a special mission for the negotiation of a Treaty of amity and commerce between that ancient and renowned League and the United States. This negotiation has accordingly been commenced and is now in progress, the result of which will, if successful, be also submitted to the Senate for their consideration.

Since the accession of the Emperor Nicholas to the Imperial throne of all the Russias, the friendly dispositions towards the United States, so constantly manifested by his predecessor, have continued unabated; and have been recently testified by the appointment of a Minister Plenipotentiary to reside at this place. From the interest taken by this sovereign in behalf of the suffering Greeks, and from the spirit with which others of the great European Powers are co-operating with him, the friends of freedom and of humanity may indulge the hope, that they will obtain relief from that most unequal of conflicts, which they have so long and so gallantly sustained: that they will enjoy the blessing of self-government, which by their sufferings in the cause of liberty they have richly earned; and that

their independence will be secured by those liberal institutions, of which their country furnished the earliest examples in the history of mankind, and which have consecrated to immortal remembrance the very soil for which they are now again profusely pouring forth their blood. The sympathies which the People and Government of the United States have so warmly indulged with their cause, have been acknowledged by their government, in a letter of thanks, which I have received from their illustrious President, a translation of which is now communicated to Congress, the Representatives of that nation to whom this tribute of gratitude was intended to be paid, and to whom it was justly due.

In the American hemisphere, the cause of Freedom and Independence has continued to prevail; and if signalized by none of those splendid triumphs which had crowned with glory some of the preceding years, it has only been from the banishment of all external force against which the struggle had been maintained. The shout of victory has been superseded by the expulsion of the enemy over whom it could have been achieved. Our friendly wishes and cordial good will, which have constantly followed the Southern nations of America in all the vicissitudes of their war of Independence, are succeeded by a solicitude, equally ardent and cordial, that, by the wisdom and purity of their institutions, they may secure to themselves the choicest blessings of social order, and the best rewards of virtuous liberty. Disclaiming alike all right and all intention of interfering in those concerns which it is the prerogative of their Independence to regulate as to them shall see fit, we hail with joy every indication of their prosperity, of their harmony, of their persevering and inflexible homage to those principles of freedom and of equal rights, which are alone suited to the genius and temper of the American nations. It has been, therefore, with some concern that we have observed indications of intestine divisions in some of the Republics of the South, and appearances of less union with one another, than we believe to be the interest of all. Among the results of this state of things has been that the Treaties concluded at Panama do not appear to have been ratified by the contracting parties, and that the meeting of the Congress at Tacubaya has been indefinitely postponed. In accepting the invitations to be represented at this Congress, while a manifestation was intended on the part of the United States, of the most friendly disposition towards the Southern Republics by whom it had been proposed, it was hoped that it would furnish an opportunity for bringing all the nations of this hemisphere to the common acknowledgment and adoption of the principles, in the regulation of their international relations, which would have secured a lasting peace and harmony between them, and have promoted the cause of mutual benevolence throughout the globe. But as obstacles appear to have arisen to the re-assembling of the Congress, one of the two Ministers commissioned on the part of the United States has returned to the bosom of his country, while the minister charged with the ordinary mission to Mexico, remains authorized to attend at the conferences of the Congress whenever they may be resumed.

A hope was for a short time entertained, that a treaty of peace actually signed between the Governments of Buenos Ayres and Brazil would supersede all further occasion for those collisions be-

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tween belligerent pretensions and neutral rights, which are so commonly the result of maritime war, and which have unfortunately disturbed the harmony of the relations between the United States and the Brazilian Governments. At their last session, Congress were informed that some of the naval officers of that empire had advanced and practised upon principles in relation to blockades and to neutral navigation, which we could not sanction, and which our commanders found it necessary to resist. It appears that they have not been sustained by the Government of Brazil itself. Some of the vessels captured under the assumed authority of these erroneous principles have been restored; and we trust that our just expectations will be realized, that adequate indemnity will be made to all the citizens of the United States who have suffered by the unwarranted captures which the Brazilian tribunals themselves have pronounced unlawful.

In the diplomatic discussions at Rio de Janeiro, of these wrongs sustained by citizens of the United States, and of others which seemed as if emanating immediately from that Government itself, the *Chargé d'Affaires* of the United States, under an impression that his representations in behalf of the rights and interests of his countrymen were totally disregarded and useless, deemed it his duty, without waiting for instructions, to terminate his official functions, to demand his passports, and return to the United States. This movement, dictated by an honest zeal for the honor and interests of his country; motives which operated exclusively upon the mind of the officer who resorted to it, has not been disapproved by me. The Brazilian Government, however, complained of it as a measure for which no adequate intentional cause had been given by them; and upon an explicit assurance, through their *Chargé d'Affaires*, residing here, that a successor to the late Representative of the United States near that Government, the appointment of whom they desired, should be received and treated with the respect due to his character, and that indemnity should be promptly made for all injuries inflicted on citizens of the United States, or their property, contrary to the laws of nations, a temporary commission as *Chargé d'Affaires* to that country has been issued, which it is hoped will entirely restore the ordinary diplomatic intercourse between the two Governments, and the friendly relations between their respective nations.

Turning from the momentous concerns of our Union in its intercourse with foreign nations, to those of the deepest interest in the administration of our internal affairs, we find the revenues of the present year corresponding as nearly as might be expected with the anticipations of the last, and presenting an aspect still more favorable in the promise of the next. The balance in the Treasury on the first of January last was six millions three hundred and fifty-eight thousand six hundred and eighty-six dollars and eighteen cents. The receipts from that day to the 30th of September last, as near as the returns of them yet received can show, amount to sixteen millions eight hundred and eighty-six thousand five hundred and eighty-one dollars and thirty-two cents. The receipts of the present quarter, estimated at four millions five hundred and fifteen thousand, added to the above, form an aggregate of twenty-one millions four hundred thousand dollars of receipts. The expenditures of the year may perhaps amount to twenty-two millions three hundred

thousand dollars, presenting a small excess over the receipts. But of these twenty-two millions, upwards of six have been applied to the discharge of the principal of the public debt; the whole amount of which, approaching seventy-four millions on the first of January last, will on the first day of next year fall short of sixty-seven millions and a half. The balance in the Treasury on the first of January next, it is expected, will exceed five millions four hundred and fifty thousand dollars; a sum exceeding that of the first of January, 1825, though falling short of that exhibited on the first of January last.

It was foreseen that the revenue of the present year would not equal that of the last, which had itself been less than that of the next preceding year. But the hope has been realized which was entertained, that these deficiencies would in nowise interrupt the steady operation of the discharge of the public debt by the annual ten millions devoted to that object by the act of 3d March, 1817.

The amount of duties secured on merchandise imported from the commencement of the year until the 30th of September last, is twenty-one millions two hundred and twenty-six thousand, and the probable amount of that which will be secured during the remainder of the year, is five millions seven hundred and seventy-four thousand dollars; forming a sum total of twenty-seven millions. With the allowances for drawbacks and contingent deficiencies which may occur, though not specifically foreseen, we may safely estimate the receipts of the ensuing year at twenty-two millions three hundred thousand dollars; a revenue for the next equal to the expenditure of the present year.

The deep solicitude felt by our citizens of all classes throughout the Union for the total discharge of the public debt, will apologize for the earnestness with which I deem it my duty to urge this topic upon the consideration of Congress; of recommending to them again the observance of the strictest economy in the application of the public funds. The depression upon the receipts of the revenue which had commenced with the year 1826, continued with increased severity during the two first quarters of the present year. The returning tide began to flow with the third quarter, and so far as we can judge from experience, may be expected to continue through the course of the ensuing year. In the mean time, an alleviation from the burden of the public debt will in three years have been effected to the amount of nearly sixteen millions, and the charge of annual interest will have been reduced upwards of one million. But among the maxims of political economy which the stewards of the public moneys should never suffer without urgent necessity to be transcended, is that of keeping the expenditures of the year within the limits of its receipts. The appropriations of the two last years, including the yearly ten millions of the sinking fund, have each equalled the promised revenue of the ensuing year. While we foresee with confidence, that the public coffers will be replenished from the receipts, as fast as they will be drained by the expenditures, equal in amount to those of the current year, it should not be forgotten that they could ill suffer the exhaustion of larger disbursements.

The condition of the army, and of all the branches of the public service under the superintendence of the Secretary of War, will be seen by the report from that officer, and the documents with which it is accompanied.

During the course of the last summer, a detachment of the army has been usefully and successfully called to perform their appropriate duties. At the moment when the commissioners appointed for carrying into execution certain provisions of the treaty of August 19th, 1825, with various tribes of the north-western Indians, were about to arrive at the appointed place of meeting, the unprovoked murder of several citizens, and other acts of unequivocal hostility, committed by a party of the Winnebago tribe, one of those associated in the treaty, followed by indications of a menacing character, among other tribes of the same region, rendered necessary an immediate display of the defensive and protective force of the Union in that quarter. It was accordingly exhibited by the immediate and concerted movements of the Governors of the State of Illinois, and of the Territory of Michigan, and competent levies of militia under their authority, with a corps of seven hundred men of United States troops under the command of General Atkinson, who, at the call of Governor Cass, immediately repaired to the scene of danger from their station at St. Louis. Their presence dispelled the alarms of our fellow citizens on those borders, and overawed the hostile purposes of the Indians. The perpetrators of the murders were surrendered to the authority and operation of our laws; and every appearance of purposed hostility from those Indian tribes has subsided.

Although the present organization of the army, and the administration of its various branches of service, are, upon the whole, satisfactory, they are yet susceptible of much improvement in particulars, some of which have been heretofore submitted to the consideration of Congress, and others are now first presented in the report of the Secretary of War.

The expediency of providing for additional numbers of officers in the two corps of engineers will, in some degree, depend upon the number and extent of the objects of national importance upon which Congress may think it proper that surveys should be made, conformably to the act of the 30th of April, 1824. Of the surveys which, before the last session of Congress, had been made under the authority of that act, reports were made:

1. Of the Board of Internal Improvement, on the Chesapeake and Ohio Canal.
2. On the continuance of the National Road from Cumberland to the tide waters within the District of Columbia.
3. On the continuation of the National Road from Canton to Zanesville.
4. On the location of the National Road from Zanesville to Columbus.
5. On the continuation of the same road to the seat of Government in Missouri.
6. On a Post Road from Baltimore to Philadelphia.
7. Of a survey of Kennebec River, (in part.)
8. On a National Road from Washington to Buffalo.
9. On the survey of Saugatuck harbor and river.
10. On a canal from Lake Pontchartrain to the Mississippi River.
11. On surveys at Edgartown, Newburyport, and Hyannis harbor.
12. On survey of La Plaisance Bay, in the Territory of Michigan.

And reports are now prepared, and will be submitted to Congress:

On surveys of the Peninsula of Florida, to ascer-

tain the practicability of a canal to connect the waters of the Atlantic with the Gulf of Mexico, across that Peninsula; and also, of the country between the Bays of Mobile and of Pensacola, with the view of connecting them together by a canal;

On surveys of a route for a canal to connect the waters of James and Great Kanhawa Rivers;

On the survey of the Swash in Pamlico Sound, and that of Cape Fear, below the town of Wilmington, in North Carolina;

On the survey of the Muscle Shoals, in the Tennessee River, and for a route for a contemplated communication between the Hiwassee and Coosa Rivers, in the State of Alabama.

Other reports of surveys, upon objects pointed out by the several acts of Congress, of the last and preceding sessions, are in the progress of preparation, and most of them may be completed before the close of this session. All the officers of both corps of engineers, with several other persons duly qualified, have been constantly employed upon these services, from the passage of the act of 30th April, 1824, to this time. Were no other advantage to accrue to the country from their labors than the fund of topographical knowledge which they have collected and communicated, that alone would have been a profit to the Union more than adequate to all the expenditures which have been devoted to the object; but the appropriations for the repair and continuation of the Cumberland road, for the construction of various other roads, for the removal of obstructions from the rivers and harbors, for the erection of light-houses, beacons, piers, and buoys, and for the completion of canals, undertaken by individual associations, but needing the assistance of means and resources more comprehensive than individual enterprise can command, may be considered rather as treasures laid up from the contributions of the present age, for the benefit of posterity, than as unrequited applications of the accruing revenues of the nation. To such objects of permanent improvement to the condition of the country, of real addition to the wealth as well as to the comfort of the people by whose authority and resources they have been effected, from three to four millions of the annual income of the nation have, by laws enacted at the three most recent sessions of Congress, been applied without intrenching upon the necessities of the Treasury; without adding a dollar to the taxes or debts of the community, without suspending even the steady and regular discharge of the debts contracted in former days, which, within the same three years, have been diminished by the amount of nearly sixteen millions of dollars.

The same observations are, in a great degree, applicable to the appropriations made for fortifications upon the coasts and harbors of the United States, for the maintenance of the Military Academy at West Point, and for the various objects under the superintendence of the Department of the Navy. The report of the Secretary of the Navy, and those from the subordinate branches of both the Military Departments, exhibit to Congress, in minute detail, the present condition of the public establishments dependent upon them; the execution of the acts of Congress relating to them; and the views of the officers engaged in the several branches of the service, concerning the improvements which may tend to their perfection. The fortifications of the coasts, and the gradual increase and improvement of the Navy, are parts of a great system of national defence,

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*President's Message.*

[SENATE.]

which has been upwards of ten years in progress, and which for a series of years to come, will continue to claim the constant and persevering protection and superintendence of the legislative authority. Among the measures which have emanated from these principles, the act of the last session of Congress, for the gradual improvement of the Navy, holds a conspicuous place. The collection of timber for the future construction of vessels of war; the preservation and reproduction of the species of timber peculiarly adapted to that purpose; the construction of dry docks for the use of the Navy; the erection of a marine railway for the repair of the public ships; and the improvements of the navy yards for the preservation of the public property deposited in them; have all received from the Executive the attention required by that act, and will continue to receive it, steadily proceeding towards the execution of all its purposes. The establishment of a Naval Academy, furnishing the means of theoretic instruction to the youths who devote their lives to the service of their country upon the ocean, still solicits the sanction of the Legislature. Practical seamanship, and the art of navigation, may be acquired upon the cruises of the squadrons, which, from time to time, are despatched to distant seas: but a competent knowledge, even, of the art of ship building, the higher mathematics, and astronomy; the literature which can place our officers on a level of polished education with the officers of other maritime nations; the knowledge of the laws, municipal and national, which, in their intercourse with foreign States and their Governments, are continually called into operation; and above all, that acquaintance with the principles of honor and justice; with the higher obligations of morals, and of general laws, human and divine, which constitute the great distinction between the warrior patriot, and the licensed robber and pirate; these can be systematically taught and eminently acquired only in a permanent school, stationed upon the shore, and provided with the teachers, the instruments, and the books conversant with and adapted to the communication of the principles of these respective sciences to the youthful and inquiring mind.

The report from the Postmaster General exhibits the condition of that Department as highly satisfactory for the present, and still more promising for the future. Its receipts for the year ending the first of July last, amounted to one million four hundred and seventy-three thousand five hundred and fifty-one dollars, and exceeded its expenditures by upwards of one hundred thousand dollars. It cannot be an over-sanguine estimate to predict that, in less than ten years, of which one-half have elapsed, the receipts will have been more than doubled. In the mean time a reduced expenditure upon established routes has kept pace with increased facilities of public accommodation, and additional services have been obtained at reduced rates of compensation. Within the last year the transportation of the mail in stages has been greatly augmented. The number of post offices has been increased to seven thousand; and it may be anticipated that, while the facilities of intercourse between fellow citizens, in person or by correspondence, will soon be carried to the door of every villager in the Union, a yearly surplus of revenue will accrue, which may be applied as the wisdom of Congress, under the exercise of their constitutional powers, may devise for the further establishment and improvement of the public

roads, or by adding still further to the facilities in the transportation of the mails. Of the indications of the prosperous condition of our country, none can be more pleasing than those presented by the multiplying relations of personal and intimate intercourse between the citizens of the Union dwelling at the remotest distances from each other.

Among the subjects which have heretofore occupied the earnest solicitude and attention of Congress, is the management and disposal of that portion of the property of the Nation which consists of the public lands. The acquisition of them, made at the expense of the whole Union, not only in treasure but in blood, marks a right of property in them equally extensive. By the report and statements from the General Land Office, now communicated, it appears, that, under the present Government of the United States, a sum little short of 38,000,000 dollars, has been paid from the common Treasury, for that portion of this property which has been purchased from France and Spain, and for the extinction of the aboriginal titles. The amount of lands acquired is near two hundred and sixty millions of acres, of which, on the first of January, 1826, about one hundred and thirty-nine millions of acres had been surveyed, and a little more than nineteen millions of acres had been sold. The amount paid into the Treasury by the purchasers of the lands sold is not yet equal to the sum paid for the whole, but leaves a small balance to be refunded; the proceeds of the sales of the lands have long been pledged to the creditors of the Nation; a pledge from which we have reason to hope that they will in a very few years be redeemed. The system upon which this great National interest has been engaged, was the result of long, anxious, and persevering deliberation; matured and modified by the progress of our population and the lessons of experience. It has been hitherto eminently successful. More than nine-tenths of the lands still remain the common property of the Union, the appropriation and disposal of which are sacred trusts in the hands of Congress. Of the lands sold, a considerable part were conveyed under extended credits, which, in the vicissitudes and fluctuations in the value of lands, and of their produce, became oppressively burdensome to the purchasers. It can never be the interest or the policy of the Nation to wring from its own citizens the reasonable profits of their industry and enterprise, by holding them to the rigorous import of disastrous engagements. In March, 1821, a debt of twenty-two millions of dollars, due by purchasers of the public lands, had accumulated, which they were unable to pay. An act of Congress, of the 2d of March, 1821, came to their relief, and has been succeeded by others; the latest being the act of the 4th of May, 1826, the indulgent provisions of which expired on the 4th of July last. The effect of these laws has been to reduce the debt from the purchasers, to a remaining balance of about four millions three hundred thousand dollars due; more than three-fifths of which are for lands within the State of Alabama. I recommend to Congress the revival and continuance for a further term, of the beneficent accommodations to the public debtors, of that statute, and submit to their consideration, in the same spirit of equity, the remission, under proper discriminations, of the forfeitures of partial payments on account of purchases of the public lands, so far as to allow of their application to other payments.

There are various other subjects of deep interest to the whole Union, which have heretofore been recommended to the consideration of Congress, as well by my predecessors, as, under the impression of the duties devolving upon me, by myself. Among these are the debt, rather of justice than gratitude, to the surviving warriors of the Revolutionary War; the extension of the Judicial Administration of the Federal Government to those extensive and important members of the Union, which, having risen into existence since the organization of the present Judiciary establishment, now constitute at least one-third of its territory, power, and population; the formation of a more effective and uniform system for the government of the Militia, and the amelioration, in some form or modification, of the diversified and often oppressive code relating to Insolvency. Amidst the multiplicity of topics of great national concernment which may recommend themselves to the calm and patriotic deliberations of the Legislature, it may suffice to say, that on these and all other measures which may receive their sanction, my hearty co-operation will be given, conformably to the duties enjoined upon me, and under the sense of all the obligations prescribed by the constitution.

JOHN QUINCY ADAMS.

Washington, December 4, 1827.

On motion of Mr. BELL, it was ordered that three thousand copies of the Message, and one thousand five hundred copies of the documents accompanying it, be printed for the use of the Senate.

MONDAY, December 10.

The Annual Report of the Secretary of the Treasury was communicated by the Vice President, and 1,500 copies thereof ordered to be printed.

*Election of Senate Officers.*

The Senate then proceeded to the election of its officers for the present Congress, when the following individuals were declared to be elected, and took the oaths of their respective offices:

WALTER LOWRIE, Secretary.

MOUNTJOY BAYLY, Sergeant-at-Arms, and Doorkeeper.

HENRY TIMS, Assistant Doorkeeper.

This being the day appointed for the election of the Standing Committees, the Senate proceeded to ballot for the chairman and members of each in rotation, and elected eight committees.

TUESDAY, December 11.

The Senate proceeded to ballot for the remainder of the Standing Committees, and made the appointments required.

FRIDAY, December 14.

*Indemnification to Foreigners.*

Mr. SMITH, of Maryland, presented the peti-

tion of Robert Hall, a subject of Great Britain, praying for further indemnification for the destruction of the ship Union; which was read, and, on the question, whether it should be referred to the Committee on Claims—

Mr. EATON said, that he was opposed to the reference of a petition of this description, on the ground that the question involved in it, could be settled otherwise; and that Congress was assembled to transact the business of the citizens of this country, and not that of foreigners. If the Secretary of State could not settle the question, he did not see how Congress could do it, consistently with the principles by which it was generally governed. He therefore hoped the reference would not be made.

Mr. SMITH, of Maryland, remarked that this was a case out of the scope of the general rule to which the gentleman from Tennessee alluded. The petition and papers had been received and referred by the other House. The vessel mentioned in the petition had been seized, and the cargo forfeited, on the day after the peace. And in awarding the indemnification at a former period, instead of obtaining the invoice of the cargo taken in at Sumatra, after leaving Calcutta, the invoice of the cargo taken in at Calcutta had been resorted to. The consequence was, that an indemnification was awarded to the petitioner for less in value than the loss which he really sustained. Congress was now asked to rectify this injury, growing entirely out of a mistake, and he hoped no obstruction would be thrown in the way of such an object.

Mr. HAYNE observed, that he saw some force in the objections made by the gentleman from Tennessee. The petition was presented by a British subject. That was not denied. And to him it appeared clear, that it ought to be presented officially to Congress; therefore, it seemed out of order for him to petition this body. The gentleman from Maryland had said, that this was a case peculiarly fitted to be laid before the Senate, because it had once before been passed upon by Congress; hence he argued that it ought to be considered again. If, as was stated, justice required that this matter should be investigated, there was, no doubt, a way in which it might be done. For instance, any member might present a resolution to that effect; and if the gentleman from Maryland was acquainted with the merits of the case—as he, Mr. H., could not possibly be—a resolution from him, that the Committee of Finance inquire into the merits of the claim, would, as he apprehended, arrive at the desired result. There were but two ways in which the matter could be properly settled—either that the claim should come through the British Minister, or should be settled by a resolution authorizing its investigation by the proper committee.

Mr. BENTON was convinced that the citizens of other countries had no right to petition Congress for the adjustment of their claims. For,

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*School Lands in Indiana.*

[SENATE.]

he contended, that while our citizens had not the same right in England, it was a privilege Englishmen had no right to claim in this country. It was partial and unequal. The right was secured in the constitution, to our citizens, to petition Congress, and it was an infringement upon that right to permit foreigners to do so. If such a privilege were once accorded, there would be no possibility of measuring the inconveniences which would arise from it. The abuse of such a privilege would seriously interfere with the rights of our own citizens. He was aware of an instance in which a Frenchman had introduced a petition in the other House, which no American citizen would have introduced—and he, Mr. B., having then reflected much upon the effect of such a practice, came to the conclusion that no foreigner ought to be allowed to petition Congress; that they had no right to do it, and that it was an encroachment upon the privileges of our own citizens. He hoped, therefore, that the rule would now be established; and that, hereafter, foreigners would be restricted to applications made through their respective Ministers. On these grounds he was opposed to the reference of the petition.

Mr. MACON said that, as it appeared desirable that the petition should be examined into, in order to decide whether it was or not an improper petition, he should move that it lie on the table. He did not intend by this course to *kill* it, as the gentleman from Maryland could call it up at any time.

The petition was ordered to lie on the table.

MONDAY, December 17.

*Reporters to the Senate.*

The following resolution submitted by Mr. HARRISON, on Friday, was taken up.

*Resolved*, That the Secretary, under the direction of the President of the Senate, cause seats to be prepared upon the floor of the Senate Chamber, for the accommodation of the Reporters of the proceedings of the Senate.

Mr. HARRISON remarked that, for introducing this proposition, he had but one reason. It was, that the seats, now occupied by the Reporters, were so situated that it was impossible for them to hear those Senators who were out of their view. He knew that the difficulties they now labored under were very great; for he himself had been made to say things that he had never conceived, which he readily believed arose from the impossibility that the Reporters could catch distinctly what passed in the body of the Senate. It must be perfectly obvious to all, that, as the seats of the Senators were now arranged, this difficulty must exist. For his own part, he had never experienced any inconvenience from the manner in which the seats were formerly arranged, but this was a serious evil, arising out of the recent change, which he wished to see removed. If the people were interested in knowing what

passed in the Senate, and, if it was proper that it should be reported, it was highly desirable that it should be correctly reported.

Mr. JOHNSON, of Kentucky, remarked, that he was in favor of the arrangement proposed; and was sensible of the inconveniences now experienced by the Reporters. He had seen some of the effects of the difficulty they had in hearing—as his friend from Missouri had been reported, in one of the papers, to have introduced a bill for a still further reduction of our little army of 6,000 men, when, in reality, he had only brought in a bill to explain a previous act, making that reduction; which had produced great anxiety among those whose interests seemed likely to be affected. It was impossible for the Reporters, under present circumstances, to give the proceedings more correctly than they did; and he hoped they would be so placed as to be enabled to perform their duties more satisfactorily.

The Chair observed, that the object of the gentleman from Maine, (Mr. CHANDLER,) that the floor would not be the most eligible situation, would be answered by striking out the words “on the floor of the Senate Chamber,” which would leave the location of the seats at the discretion of the President and Secretary.

Mr. HARRISON expressed his acquiescence in the suggestion.

The resolution, as modified, was adopted.

TUESDAY, December 18.

*School Lands in Indiana.*

On motion of Mr. NOBLE, the bill to authorize the State of Indiana to sell the lands heretofore appropriated to the use of schools in that State, was taken up.

Mr. BARTON disapproved of the practice, which seemed to be gradually becoming general, for States to sell out the lands appropriated for specific objects, although he allowed that, in the present case, the quantity of land was small. The practice, he believed, had been commenced by Ohio; but Ohio was differently situated from the other western States. In the year 1802, when Ohio was admitted into the Union, she declined acceding to that clause in the compact, in relation to reserves of land for schools, which vested the 36th section in the several towns. In 1804, a law passed in Congress, which vested those lands in Ohio in the Legislature, and, consequently, gave it a right to sell them. He supposed that Ohio might have sold these lands, without applying to the United States. But it was not so with the other States. They had not objected to the manner in which the lands had been appropriated.

His view of the matter was, that the inhabitants of all the townships must be consulted, and give their consent, before the lands could be disposed of. A glance at the geographical map of those States would convince the Senate that no satisfactory measure could be taken on

that head. A great number of the townships, it would be perceived, were not now inhabited at all. His objection, therefore, was, that it was impossible for the sale to be made fairly in relation to the most of those townships, which were at present merely nominal. If the Legislature would provide against any future difficulties arising out of the sale, there might be no impropriety in passing the bill; and if the Senate was willing to trust the Legislature, so be it. He had, however, been informed by the member from Alabama, that when a bill was formerly passed in Congress, for the same purpose, in relation to that State, all the townships had not been willing to accede to the disposal of the lands.

Mr. NOBLE said that he should regret if the Senate withheld from the State of Indiana that which they had granted to the States of Ohio and Alabama. That the Legislature of Indiana had, by their resolution, instructed him, with others, to ask for the passage of a bill similar to the one now before the Senate. If gentlemen will turn their attention to the act of Congress, of April 19, 1816, in relation to the School Lands in question, they will find that the section numbered sixteen, in every township, and, when such section had been sold, other lands were to be granted to the inhabitants of the township or district for the use of Schools. The fact of the Legislature applying to Congress for permission to sell the lands, is an evidence that they are not productive, and the information is derived from the members of the Legislature. The bill is sufficiently guarded. The power to sell the lands, and to invest the money in some productive fund, which is to be applied for the use of Schools in the townships, solely, and for no other purpose, can never be done without the consent of the inhabitants of the township. Mr. N. said he thought the gentleman from Missouri might be mistaken—that he was well aware that the Legislature would never sell the land in townships inhabited, or partially so; their object would be, when they brought it into market, to obtain the best price possible, and never to sell it for the minimum price; that, in proportion to the fund becoming productive, so would education flourish. The reason to him was clear. To sell the land as wild lands, for less than the minimum price, would be folly; and to offer it for sale in a township uninhabited, could not be expected, because the competition would be too great, as the section of land would be surrounded by lands superior in quality, belonging to Government, and always in market. The sole object of the Legislature would be to protect the fund for the benefit of the inhabitants of the several townships by the consent of each, and to sell only in the portions of the country that was strongly inhabited. It has happened that, in some instances, those who have leased the school lands, have rendered them unproductive, instead of productive, by cutting and disposing of the timber, selling and disposing

of the stone. There had been instances that school lands were the place of resort for timber and stone, by those who had no lease.

The bill was ordered to be engrossed for a third reading.

THURSDAY, December 20.

*The Public Lands.*

Mr. HENDRICKS submitted the following resolution:

*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of ceding and relinquishing, in full property, the public lands, within the limits of the new States, to the several States in which they lie.

Mr. HENDRICKS said, that, in offering this resolution, it was, perhaps, proper for him to make a few remarks. It would be recollected that, at the last session, in the form of an amendment to the bill proposing to graduate the price of the public lands, he had offered the same proposition, though in another form. The proposition of last session was one to which the attention of the Senate had not been very much directed. It was considered a novel proposition, a bold one, and there is little doubt that, by many accustomed to look to the public lands as a source of revenue, more important than they ever yet have been, or promise hereafter to be, it was deemed an unreasonable proposition. The bill and the amendment were laid upon the table, having received a very partial examination, and, for want of time, were permitted there to rest, without discussion, till the close of the session.

With a view of preventing this state of things, and that a full discussion of the principles contained in the proposition might be had at the present session, he had, at this early period, presented it to the Senate. The bill to graduate the price of the public lands would again be introduced, and, in all probability, be again referred to the Committee on the Public Lands. To this committee he wished to have this subject also referred. The Senate would then have the aid of their examinations and report, and be the better prepared for a vote upon the question.

Believing, as he did, that the sovereignty, freedom, and independence of the new States were much impaired, and that their equality with the old States was entirely taken away by the present condition of the public lands, as the representative of a new State he could not but feel a deep interest in the proposition, and he did believe that, when the subject should be fully canvassed by the Senate, the constitutional argument, and the question of expediency, would alike preponderate in favor of the new States, and strongly admonish of the propriety of an absolute transfer of the public lands to the several States in which they lie. He believed that the Federal Government had no constitutional power to hold the soil of the States, except for the special purposes designa-

DECEMBER, 1827.]

*Cancelling a certain Bond.*

[SENATE.]

ted by the constitution, such as the erection of forts, magazines, arsenals, dock-yards, and other needful buildings, and even for this purpose, the consent of the Legislatures of the States was necessary, by the express language of the constitution.

He was well aware that the cessions from the States, and the pledge that the proceeds should be applied to the payment of the national debt, were usually resorted to as the authority of the General Government to hold the lands in the States; but these authorities, connected with the history of the times, which show the intentions and views of the actors of that day, instead of showing the right of this Government, might, in his opinion, be safely relied on to sustain a contrary position. It surely was the intention of Congress, and of the States, ceding waste and unappropriated lands to the Union, that the new States to be formed should be received into the Union as sovereign and independent States, and on an equal footing with the original States, in all respects whatever; and nothing could be more clear than that this was the intention of the framers of the constitution. To maintain the equality of the States, it had even extended favors to the small States. It had, in some degree, balanced numbers in the large States, with political power in the small States. The equality of the representation in the Senate, was an instance of this. To Senators who hold to the letter of the constitution, and who deny to the Federal Government all powers not clearly expressed, he might safely appeal. To those who deny the power of Congress to interfere with the sacred soil of a State, so far only as might be necessary for the location of a road or canal, he might speak with the greatest confidence. If, according to their doctrine, Congress cannot thus temporarily occupy a small portion of the soil of a State, surely they would agree with him in saying that Congress cannot permanently hold, in full property, the entire soil of the new States.

If, then, the constitutional argument should be with him, that Congress has no power to become or to remain, the lord of the soil of the new States, no one would contend that the compacts ought to be binding; for, if they are not based on the constitution, they impose no obligation on the States. But, if even based on the constitution, it was in the power of the new States, on the principle of free agency, to make them, or to refuse to make them. If the new States had refused to make them, then the objects attained by them would have been defeated. And what were those objects? That the new States should never interfere with the primary disposal of the soil. And if this object had not been attained by the General Government, would not the converse of the proposition have been the consequence? Would not the inference have been irresistible, that the new States might have interfered with the primary disposal of the soil? Here it would, no

doubt, he said, that the new States, refusing to enter into these compacts, could have been kept out of the Union. But this was ground untenable; for the new States were, by the ordinance of 1787, guaranteed admission into the Union, with a population of 60,000, on an equal footing with the original States, in all respects.

Mr. H. said, that arguments of expediency, almost innumerable, might be urged in the present case. It seemed to him that whenever the subject should be fully examined, it would appear that an estimate had heretofore been put upon the public lands, far above their real value. The public lands had been in market upwards of forty years, and the whole receipts into the Treasury had been about thirty-six millions. We had now in market more than one hundred millions of acres, and for the last years the receipts had frequently been below a million, while the whole revenue of the country, in those years, had ranged from twenty to twenty-five millions. This view would show how small is the portion of our whole revenue derived from the public lands. This million, if indispensable to the Treasury, could easily be supplied in some other way. It could be laid on other objects of taxation, which would neither be seen nor felt, and the new States would rise to a level of equality with the old States. The new States would then be relieved from what he considered an unconstitutional and dangerous dependence on the old States and on the Union.

MONDAY, December 31.

The bill to authorize the cancelling of a certain bond therein mentioned, was read a second time.

Mr. CHANDLER proposed some questions in relation to the bill: Whereupon,

Mr. BERRIEN made some additional explanations, from which it appeared that the negroes (89 in number) referred to in the bill, were part of a cargo of negroes found on board a Spanish vessel which was captured by a revenue cutter of the United States, sent into Savannah, and libelled for an alleged violation of the slave acts of the United States. The Spanish Consul set up a claim to the vessel and cargo, as the property of Spanish subjects. The Portuguese consul set up a claim in behalf of certain subjects of Portugal; and the captain of a privateer, sailing under a South American flag, advanced another claim. Upon investigation, it was found that the negroes had been plundered from several Spanish and Portuguese ships, by a South American privateer. The suits growing out of these claims were prosecuted in different Courts of the United States, and, after the lapse of eight years, were finally decided by the Supreme Court, at the last term. The Portuguese claim was rejected because no owners appeared; and the Spanish claim was reduced in amount to thirty-nine negroes. The claimants were also required to give bond, with



security, for the removal of the negroes from the United States. The other portion of the negroes was sent to Liberia at the expense of the Government. Meanwhile, the negroes adjudicated to the Spanish claimants had formed ties in this country, and were unwilling to be carried to the West Indies. The petitioner, from motives of humanity alone, purchased them from the Spanish owners, for the sum of \$1,500. He had also paid for salvage \$4,500, to Marshals \$6,000, and to the proctors in the different courts between \$2,000 and \$3,000; the aggregate amount being greater than the value of the slaves. The petitioner had also offered the negroes to the Colonization Society, for transportation to Liberia, but the funds of the Society did not enable them to accept the offer. The petitioner now, therefore, prayed that the bond given for the removal of the slaves from the United States may be cancelled, in order that they may remain in a state of mitigated slavery in Georgia, where they are well treated, and content.

The bill was then ordered to be engrossed for a third reading.

FRIDAY, January 11, 1828.

*Cahawba Navigation Company.*

Mr. VAN BUREN, from the Committee on the Judiciary, reported a bill granting the assent of Congress to an act of the Legislature of Alabama, incorporating the Cahawba Navigation Company, without amendment.

Mr. KING remarked, that, in explanation of this bill, he would merely say, that the Legislature of this State, considering it incumbent on them to obtain the assent of Congress—in which he (Mr. K.) did not agree with them—to improve the waters within its limits, had instructed him to introduce this bill. The waters of the Cahawba were not now navigable, and it was highly desirable that the obstructions in that stream should be removed. It was therefore proposed to raise a toll upon the navigation, for the purpose of defraying the expense.

Mr. CHANDLER said that he did not know upon what ground the consent of Congress was asked.

Mr. KING further explained, that the Cahawba was a small stream running through Alabama, the navigation of which was necessary to enable the citizens of that State to transport their cotton to market, and bring back the necessary articles of merchandise. The State wished to know whether they had a right to levy a toll for the improvement of this stream, and to obtain the assent of Congress to the enterprise.

Mr. VAN BUREN said that the same bill passed the Senate last year, but did not pass the House. It involved no new principle. The compact between the United States and the new States had restricted the latter from levying tolls on the streams within their limits; and it had

been customary, from time to time, to give the assent of Congress to the collection of a toll on waters not previously navigable, to defray the expense of the improvement of their navigation.

The bill was then ordered to be engrossed.

TUESDAY, January 22.

*Lieutenants in the Navy.*

The bill to increase the pay of Lieutenants in the Navy was read a third time.

Mr. MACON observed, that it was not a time to increase the expenditure of the Government, as, in the part of the country where he resided, money was never scarcer, nor times harder, than now. He had observed, that it was always a good time to raise compensations, but never a good time to reduce them.

YEAS.—Messrs. Barnard, Barton, Bell, Benton, Bouigny, Branch, Chambers, Chase, Eaton, Ellis, Foot, Harrison, Hayne, Johnson of Ky., Johnston of Lou., Kane, King, McLane, Marks, Noble, Ridgely, Robbins, Rowan, Sanford, Silabee, Smith of Maryland, Tyler, White, Willey—29.

NAYS.—Messrs. Bateman, Chandler, Cobb, Dickerson, Hendricks, Macon, Parris, Ruggles, Seymour, Smith of South Carolina, Thomas, Williams, Woodbury—13.

MONDAY, January 28.

*Surviving Officers of the Revolution.*

The Senate resumed the consideration of the bill providing for certain surviving officers of the Revolution: the following motion of Mr. PARRIS being under consideration:

*Resolved*, That the bill be recommitted to the committee which reported it, with instructions to provide for the payment of every officer, non-commissioned officer, and private soldier, who served in the revolutionary army, and who was entitled to pay from the Continental Treasury, for the service by him actually performed, deducting therefrom the just value of whatever such officer, non-commissioned officer, or private, may have received from the Government, in payment for his said service; and deducting, also, whatever sum he may have received, if any, under the pension law of March 1818, and May 1820.

The VICE PRESIDENT stated that the point of order presented on Friday last, relating to motions for recommitment of subjects to Select Committees, was decided by him on parliamentary principles; but he had since found that the practice of the Senate was different. [He then read the rule from Jefferson's Manual.] The parliamentary rule was more convenient, and he would now submit the point for decision to the Senate.

Mr. PARRIS said that his object was not, as had been surmised, to embarrass the bill by objections, or to defeat it by delay. He wished to further its progress. He was anxious that the bill should make a proper provision for the soldiers, but he would not say that, if he could not accomplish his views in regard to the soldiers, he would not vote for the separate pro-

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vision for the officers. His object was to provide both for the officers and soldiers; they had contended side by side for their country's cause; and, in the distribution of the bounty or justice of their country, they should not be separated. There were many survivors of the contest who had no claims. The six months' militia men had, to this day, a claim on the States, severally, by which they were raised, but not on the Government. But there were regiments on the Continental establishment, as efficient as any others in the service, which had received no compensation in any way. If we gave to the officers a part of the sum due to them, we should pay the soldiers in the same proportion; and if our finances enable us to pay the officers the whole of their claims, the whole sum due to the soldiers should likewise be discharged. It was unnecessary to speak at this time of the merits and the sufferings of the soldiers. The story had often been told in this House, and it was matter of record. It was said by the Senator from New Hampshire that the half pay was promised to the officers as an inducement for them to remain in the service. The soldiers were entitled to their monthly pay, as well as the officers to their half pay for life; and if the officers had been paid in depreciated paper, so had been the soldiers. In one respect, the officers had a great advantage over the soldiers. If the officers were, by hard fare or bad usage, disgusted with the service, they could throw up their commissions and turn their backs upon the camp. But the soldiers, though suffering from want of food and clothing, were obliged, for the whole term of their enlistment, to perform the last day's service as well as the first; and if they left the camp, they were pursued by martial law and punished as deserters. If any discrimination were made, it should, therefore, be in favor of the soldiers. Both officers and soldiers should be provided for, and that alike. Let it not be the business of this House to create a distinction between them. It had been objected to the proposition for remunerating the soldiers, that the sum required would be very large. This was an unfounded objection. It would not equal the amount annually paid to those on the pension list. He took as the basis of his calculation the statement made by the Senator from Maryland, (Mr. SMITH.) That gentleman stated, that four-fifths of the surviving soldiers were on the pension roll. This number will be excluded from the provisions of the bill. The whole number of pensioners was now 12,500. Five hundred, it was computed, would die this year. The one-fifth part embraced in the provision, was 2,400. Two hundred dollars to each of these was but \$480,000—not half the amount of the pensions. The provisions which he proposed, would embrace another class of soldiers, which was not provided for by any existing law. One regiment, he knew, for documentary proof of the fact was in the Capitol, had entered the service with the promise of pay and eighty dollars

bounty; they served faithfully, and never received one farthing. Justice, concluded Mr. P., should not be dealt out with a partial hand. If it was rendered to one class it should not be withheld from another. But if we were not able to do full justice to all, he would not say that he would do nothing.

Mr. VAN BUREN said he approached the discussion of the bill under consideration with a degree of solicitude he had seldom experienced. It arose from a deep consciousness of the importance and delicacy of the subject, and the difficulties which would attend a satisfactory determination. He freely confessed that he did not remember a legislative question in which his feelings had been more deeply engaged. These feelings, sometimes too sanguine, and always ardent, might now deceive him; but he could not suppress the conviction that upon the doubtful issue of the present question, the character of our country was, in no inconsiderable degree, suspended. It would, indeed, have afforded him the highest gratification, could he anticipate, with confidence, a favorable result. But when he beheld the formidable concentration of talent and numbers arrayed against the petitioners and their advocates, he was but too conscious of the difficulties against which they had to contend. Undeterred, however, by these circumstances, he would proceed to discharge the duty which seemed to be required by his connection with the committee by whom the bill had been reported.

His brethren of the committee, said Mr. V. B., had pronounced a merited eulogium upon the character and services of the petitioners. Considerations which arose naturally from the subject, but upon which, although far from being exhausted, he would not attempt to dwell. Indeed, he was greatly deceived, if, on this point, there was any diversity of opinion. Whatever expressions might escape from gentlemen in the warmth of debate, he was sure that the transcendent merits of the petitioners, after having received the attestation of impartial history, were not now to be the subject of examination or of doubt. Sir, if, in the mysterious dispensations of an all-wise and overruling Providence, we, too, are doomed to experience the common calamities of nations, it may become our duty to receive these dispensations with meekness, and bear them with fortitude. But if there be a stain from which he would be most desirous of rescuing the American name, it would be the stain of ingratitude to the surviving officers of the revolution. If there be a calamity, which more than any other, he would pray to have averted, it would be the calamity of witnessing, in an American Senate, a cold insensibility to the services of those whose devotion to their country in peace, and whose constancy in war, had extorted the applause of an admiring world.

If, sir, gallantry in the field, and devotion to country, ever deserved the meed of grateful remembrance, the encomiums bestowed by my

colleagues upon the Revolutionary officers will find their approval in every patriot bosom. But their merits, great as they were, appear to be enhanced by the cause in which they were engaged. Revolutions in Government had been witnessed before, and they have been witnessed since. But if we consider the principles involved, the means employed, and the results produced, may I not be indulged in expressing the conviction that they dwindle into insignificance with this? The revolution in which they embarked, was not only the most important, in civil Government, that oppression has produced, or patriotism accomplished, but must, in the nature of things, forever remain so. The materials for another, equally important, do not, I fear, exist; and, perhaps, the progressive character of man, precludes a well-grounded hope that they will ever again arise. Why, sir, said he, do I allude to these high considerations? • Not, I am sure, for the purpose of display; and as little with a view to indulge in self adulation. It is because the unparalleled blessings, which, as a people, we enjoy; the great and successful example that has been given to the world; and the perpetual influence which that example must exert on its future destinies—awaken in every mind the most intense anxiety, lest the closing scenes of that mighty conflict should be unworthy of its own great character—and that the page of history which embalms the virtues and heroic deeds of our fathers, may not at the same time record the too early degeneracy of their sons. The petitioners at your bar are destined to be our witnesses with posterity. It is in their persons that an opportunity is afforded, either to repel, or in some degree, confirm the imputation cast upon Republics by the enemies of freedom, that ingratitude is their inherent and extinguishable vice: and it was earnestly to be hoped that our decision might be such as would be favorable to them, to ourselves, and to the cause of liberty.

But, sir, said Mr. V. B., instead of pursuing these general remarks, allow me to invite your attention to the question immediately under consideration. In doing so, my first attempt will be, to separate that which is not a subject of disputation from that which is: for, in this, as in other cases, time may be consumed, and arguments fruitlessly employed, in supporting positions which have never been questioned, or enforcing opinions in which all are agreed.

First, then, it will be admitted, on all sides, that the promise made by the Congress of the Confederation of half pay for life to the Revolutionary officers serving to the end of the war, was made by competent authority: that the condition upon which the promise was founded has been fully performed: that the obligation thereby created, rests upon the present Government in its original force: and that if it has not been fully, fairly, and justly performed, it ought now to be discharged. The critical condition of the country at the time

the promise was made—the fact that this inducement to remain in service had been held up to the army from the commencement of the war, by various resolves of Congress—that this alone prevented their abandonment of a service, in which they were not bound to remain by any of those considerations which operate on the generality of mankind—that to their continuance in the army, more than to any other cause, under the blessings of Providence, the successful termination of the war was, in the opinion of Gen. Washington, mainly attributable, and that the sacrifices which they incurred, in consequence of their determination to remain, were almost unparalleled—are points upon which there can be no difference of opinion, and requiring, after the able comments of the Senators who had preceded him, no additional illustration.

If this, sir, said Mr. V. B., has been the unquestionable engagement of the Government, if the petitioners are thus entitled to its fulfilment by the performance of the sole condition on which it was made to depend—the question will be asked, has that engagement been satisfied? And if satisfied, how has it been done?

Those who maintain that the Government had fulfilled its engagement, rest their position on the ground of the commutation of the five years' full pay which has been given in lieu of the promised half pay for life. Whatever might be the diversity of sentiment with respect to the legality or the fairness of that commutation—the means by which it was effected—and the manner of its execution—and on these points he acknowledged there was room for an honest difference of opinion: there was one position, he thought, sufficiently plain to challenge the acquiescence of every reflecting mind. It is, sir, that this commutation tendered by the Government as a complete fulfilment of its promise, has been any thing but a fair and just equivalent. To demonstrate this a few observations only will be necessary.

The intelligent chairman of the committee who reported the bill, whose ability in the exhibition of the claim of the petitioners would entitle him to more than the humble tribute of respect, which it was in his power to render, had submitted to the Senate statements and calculations establishing the following results:

1. That, according to authentic tables for the computation of annuities, the *five* years' half pay ought to have been *seven*, at the time it was given, in order to make it a fair equivalent, and that the reduction of this just allowance, was attributable to the necessities of the Government, and not to a disposition to elude the claims of the petitioners.

2. That, owing to the failure of the States to supply the funds necessary to the payment of the interest, and ultimate redemption of the principal, of the "commutation certificate;" these commutation certificates for five years' full pay, given as an equivalent, for half pay for life, rapidly depreciated. So that, when

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compelled by necessity, to dispose of them, they in fact produced to the officers less than one year's pay.

8. That when these commutation certificates were funded in 1791, a deduction was made, equal to one-third of their amount, by deferring the interest for ten years, upon one-third of the principal, and allowing only three per cent. on the interest which had accrued since 1783.

That this deduction was made by the Government, on the ground (and could be justified on no other) that these certificates were in the hands of speculators, who had availed themselves of the necessities of the officers, brought upon them by their stipulated continuance in service, and thus were enabled to obtain them at a reduced and almost nominal price.

Mr. V. B. said he would refrain from attempting to enforce the views, upon this branch of the subject, presented by the Senators who had preceded him. It would be time enough to do so, should these views be ever contested. He candidly acknowledged, however, that they did not constitute the material arguments upon which he relied, for the purpose of showing the gross inadequacy of the commutation awarded to the petitioners: and he would therefore proceed to state the grounds upon which he predicated his proposition, with all the brevity and perspicuity in his power.

The certificates for commutation of half pay, were issued under the resolution of March, 1783, and delivered in November 1783. They admitted upon their face, that five years' full pay was due to their holders, to be paid with interest, at the rate of six per centum per annum. These certificates were redeemed by the operation of the funding act in 1791. They were, of course, for different amounts, according to the respective ranks of the officers. The average pay of the officers was \$30 per month, and the amount which would have been due to each officer for half pay, allowing interest after the same was acknowledged to be due, would have amounted, in 1791, when the redemption took place, to \$1,742 40. The average amount of five years' full pay for each officer, amounted with interest, in 1791, to \$2,664; from this amount one-third was deducted in the redemption, as he had before stated. The average amount therefore received by each officer in 1791, for his five years' full pay, assuming that these certificates had been retained, would have been \$1,776.

From this simple statement, it results that, in consequence of the delay in discharging the commutation, and the deduction which was forcibly made in doing so, the Government paid no more than would have been due to the officers for their half pay alone, up to the period when the commutation was actually made. To that period, therefore, the officers gained nothing by that measure. Since that time years have rolled away, during which they would have received the promised half pay, had it not

been for the commutation. The sum which would have been payable to the officers since that period, is the sum precisely which the officers have lost, and the Government has gained, by this variation by the Government from its original contract.

This subject, said Mr. V. B., is simple, founded upon data which cannot deceive by their plausibility, and is liable to no mistake, except the mere errors of calculation. Those he had endeavored to avoid. The average half pay of each of the petitioners from the year 1791 to 1828, would have amounted to \$18,177 83. This sum, multiplied by 280, the number of Revolutionary officers supposed to be yet in existence, would amount to \$3,080,710. The effect of the commutation upon the Treasury, and upon the interests of deceased officers, could not be, said he, distinctly stated without a particular knowledge of the time of their respective deaths. But from what we know upon that subject, there was a moral certainty that the gains of the Treasury from that source had not been diminished, but on the contrary greatly increased.

It is then, said he, an ascertained and incontestible fact, that, in addition to all the injuries sustained by depreciation, the officers have lost by the course of events, and the Government has gained a sum not less than \$3,080,710, in consequence of that commutation which is now set up to bar the claims of the petitioners—claims predicated upon a promise of the Government, held out to the officers as an inducement to remain, and constituting the chief reward for the most signal services ever performed by men in the cause of freedom and their country.

Upon these facts, said Mr. V. B., a question arises for our decision, no less important to the Government than to the petitioners; because, involving the character of one, and the interests of the other. What is it? Is it confined to the legal rights and obligations of the parties? No, sir, I shall never, said he, bring my mind to consider the question of strict legal right, when I look at the parties. Who are they? On the one hand, the Government of the United States, not liable to be impeached, and incapable of being coerced against its will by any power superior to its own—rich in resources, and overflowing with redundancy; on the other a remnant of the officers of the Revolutionary army, borne down by the infirmities incident to age—with one foot in the grave, and the other upon the threshold of your door, supplicating the fulfilment of that promise which was made them, in the vigor of their days. If even they have legal rights, where is their remedy to enforce them? They cannot in the nature of things have any. But candor constrained him to acknowledge, that in strictness, they have not now, whatever they may once have had, any rights, except such as are founded upon the immutable principles of justice. As early as the year 1785, the Govern-

ment found it necessary to protect itself against dormant and unfounded claims, arising from the Revolutionary contest, by a statute of limitations. Various acts and resolutions were passed upon the subject before the year 1793, more or less comprehensive in their terms: and in that year, an act was passed so comprehensive in its provisions, as to embrace the claims of the petitioners, and barring them, unless presented by the 1st day of May, 1794. The officers did not present this claim until 1810, and are therefore precluded from urging their vested legal rights. Being thus furnished with a general answer to all claims which do not address both our consciences and judgments, Congress have nevertheless relaxed from time to time, the rigor of their own act, when considering claims founded on justice, and not opposed by policy. But as none of these suspensions have embraced the case of the petitioners, we have it in *our power*, if we can have the heart to present this statute of limitations to the petitioners, and under its mantle, resist the cry for justice, if not for bread. The question, then, is not what we are bound to do by law, but what we should do. What conduct on our part will bear the scrutiny and the judgments of impartial men, when the opportunity to remedy the consequences of our decision shall have passed away?

Let us look, for a moment, said Mr. V. B., at the arguments advanced by the opponents of the bill. The meritorious services of the petitioners, the signal advantages that have resulted from these services to us, and to posterity; the losses sustained by the petitioners, and the consequent advantages derived by the Government from the act of commutation, are unequivocally admitted. But, it is contended, we have made a compromise, binding on the parties, and exonerating the Government from further liability, that in an evil and unguarded hour, they have given us a release and we stand upon our bond. Now the question which he wished to address to the conscience, and the judgments of this honorable body, was this—not whether this issue was well taken in point of law—not whether we might not hope for a safe deliverance under it—but *whether the issue ought to be taken at all*—whether it comports with the honor of the Government to plead a *legal* exemption against the claims of gratitude—whether, in other words, the Government be bound at all times to insist upon its strict legal rights. Has this been the practice of the Government on all former occasions? Or, is this the only question on which this principle should operate? Nothing, said Mr. V. B., can be easier than to show that the uniform practice of the Government has been at war with the principle which is now opposed to the claim of the petitioners. Not a session had occurred since the commencement of this Government, in which Congress had not relieved the citizens from hardships resulting from unforeseen contingencies—and foreborne an enforcement of law,

when its enforcement would work great and undeserved injury. He might, if excusable on an occasion like this, turn over the statute book, page by page, and give repeated proofs of this assertion. But it is unnecessary. He would content himself with a reference to one or at most two measures of the character described. In the year 1812, between the months of June and September, goods to an immense amount were shipped *from England to the United States*, by American merchants, in open violation of the acts prohibiting their importation. They alleged in justification, either their anticipated repeal of these acts, in consequence of the measures of one of the belligerents; or their apprehension that in the event of a declaration of war by the United States, their property would be seized and condemned in the British ports. The declaration, in fact, took place; but the importers were not the less liable to the fines and penalties imposed by a violated law, and merchandise to the value of more than *twenty millions of dollars* was forfeited to the United States. Upon the arrival of the goods, the owners were permitted to retain and use them, upon giving bonds to abide the decision of their Government. Application was made to Congress for relief: and although it was well known that immense profits were made upon their importation, and not a doubt existed of their liability to forfeiture, Congress, by an act which fills but a single page upon that statute book, cancelled the bonds and relinquished merchandise, which, if retained, would have been equal in value to one-fourth of the whole expenses of the war, and which would doubtless have been retained had the Government insisted upon its legal rights and acted on the principle now contended for.

The system which has been pursued in relation to the purchasers of public lands, is not a less memorable example of a departure from that rigorous policy now recommended to our imitation.

By the act of 10th May, 1800, the minimum price of the public lands was fixed at \$3 the acre; one-twentieth of the purchase money was required to be paid at the time of the purchase, one-fourth in 40 days; the balance, *with interest*, was payable by instalments of 2, 3, and 4 years; and the forfeiture of the land was the declared penalty of non-payment.

By the act of 26th March, 1804, *no interest* was to be charged upon instalments for future purchases, if punctually paid, and this provision, in favor of the purchaser, was extended to those whose instalments should become due before the following October.

Under this liberal system, yielding to the Government but little more than the necessary expenses of surveying the lands, supporting the various land offices, and providing for the holder a secure landed title, a debt accumulated prior to the year 1820, from the purchasers to the United States, amounting to twenty-two millions of dollars.

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Before that time repeated indulgences had been granted, extending the times of payment, preventing the forfeitures which would have accrued, and, in numerous instances, allowing a re-entry, or a new purchase of lands, improved and forfeited to the Government upon the terms of the original purchase. No less than six acts were passed from the year 1813 to 1820, to suspend the *forfeiture* and sale of the lands thus purchased. The evil, however, had swelled beyond the reach of palliatives. A debt of 22 millions of dollars exceeded the ability, blighted the prospects, and deadened the energies of the States by whom it was due. Had the law been enforced, and payment inflexibly exacted, nearly the whole of the lands thus purchased and improved, would have been forfeited to the Union, and many an honest yeoman would have been compelled to relinquish to more fortunate strangers those woods and lawns which he vainly hoped would be the solace of his declining years. To prevent this calamity, the Government interposed, and by an act of liberality having few parallels in history, arrested the forfeitures; authorized the relinquishment of lands for which the purchasers were unable to pay; and the application of whatever sums had been paid to the payment of so much only as they thought proper to retain; cancelled the accumulated interest; extended the term of credit for that portion of the lands retained; and by a subsequent act passed in 1824, consented to receive as a *full payment* for these lands, less than *two-thirds* of the amount actually due. Nor was this all: by the act of 1821, the price of the lands was reduced from two dollars to one dollar and twenty-five cents; and he who had surrendered lands purchased at the highest sum was enabled to re-enter the same lands, if not sold at public sales, at the reduced price. Sir, said Mr. V. B., by the best estimate that I am able to make on referring to the only documents within my reach, this donation to the purchasers of public lands could not have been less than *seven millions and a half*, and probably has not been short of *ten millions of dollars*. But the exact amount is not material to the elucidation of the principle from which it flowed; and in considering its value, who, that can cast his eyes upon those extensive regions, where tranquillity has succeeded to disquietude, and prosperity to ruin, will attempt to estimate it by the scale of dollars and cents?

It appears, then, said Mr. V. B., that it has not been the practice of the Government to act the part of Shylock with its citizens; and God forbid that it should make its *debut*, on the present occasion, not so much in the character of a merciless creditor, as a reluctant, though wealthy, debtor; withholding the merited pittance from those to whose noble daring and unrivalled fortitude, we are indebted for the privilege of sitting in judgment on their claims; and manifesting more sensibility for the purchasers of our lands than for those by whose

bravery they were won; and but for whose achievements, these very purchasers, instead of being the proprietors of their soil, and the citizens of free and sovereign States, might now be the miserable vassals of some worthless favorite of arbitrary power.

If disposed to be less liberal to the Revolutionary officers than to other classes of the community, let us at least testify our gratitude by relieving their sufferings, and returning a portion of those immense gains which have been the glorious fruits of their toil, and of their blood.

Such, said Mr. V. B., would, in his judgment, be a correct view of the subject, had the Government relieved itself from all further liability by the most ample and unexceptionable performance of its stipulations. How much stronger, then, will be their appeal to your justice, if it can be shown that you have no right to urge this act of commutation as a complete fulfilment of your promise? The act of commutation is impeached by the petitioners—first, on account of the means by which it was effected; and, secondly, because the stipulations of that act have never been fulfilled.

The petitioners with reason complained that without ever having consented to be bound by the acts of their brother officers, their personal rights were made to depend upon the decision of the lines, and not upon their own individual assent. This is admitted to have been the fact. Two months were allowed to the officers of the lines, under the immediate command of Gen. Washington; and six months to those of the southern army, to give their assent to the compromise. It does not appear that the lines of the southern army ever gave their assent. Indeed, it is stated by a distinguished Revolutionary officer on this floor, (Gen. S. SMITH,) that they never did. It does not appear that there ever was a meeting of the officers of the northern army, for the purpose of deciding upon the question: and it is affirmed that there was none. To assume, then, that the assent of each individual was given under circumstances like these, appears to my mind harsh and unjust. But it is alleged, in extenuation, that the compromise was made upon the petition of the officers themselves. Let this be admitted: did the application for a just equivalent for the promised half pay for life, confer on Congress the right to prescribe the terms? Will it justify the allowance of less than that to which they were entitled? Will not the circumstances, under which this application was made, present a still stronger appeal to your liberality, if not your gratitude? Look, said Mr. V. B., at the acts of these brave and high-minded men, in whatever light you please; examine their conduct by the strictest scrutiny, and you will always find them exhibiting the purest principles and the most elevated patriotism. The half pay establishment for life, was, at that time, considered by the ardent advocates for liberty, as leading to the formation of an aristocratic

body, and therefore, subversive of the principles of the revolution. An intimation like this, in the infancy of our institutions, however groundless in itself, was sufficient to excite alarm. The dangers of the past were overlooked in the apprehensions for the future; the measure was reprobated, and these meritorious officers became the objects of unfounded jealousy. To quiet these unreasonable fears, the petitioners expressed their willingness to waive the literal fulfilment of the promise which had been given: to remove the cause which could have a tendency to deprive them of the confidence of their fellow-citizens: to surrender the boon they had so dearly purchased; and, in addition to all that they had done, and to all that they had suffered, to offer up their future prospects upon the altar of their country. And could any thing be more preposterous than to attempt to found upon an act, originating in motives like these, the right to prescribe the terms of commutation? But it is alleged that the officers received the commutation certificates, and, by doing so, must be presumed to have assented to their being considered a full satisfaction of their demands. This inference was, in his opinion, removed by the peculiar circumstances under which the certificates were given. These circumstances, said Mr. V. B., are not unworthy of the deliberate attention of the Senate. Previous to October, 1788, and subsequent to the time when the signature of the preliminary articles of peace was known to the army, frequent applications had been made, in their behalf, to Congress, for an adjustment of accounts, and payment of the large arrearages which were due. These applications were fruitless. The failure of the States to comply with the requisitions of Congress, deprived that body of the means of discharging their engagements: and with a full sense of the services and privations of the army, and of the injustice they were about to commit, Congress were on the point of disbanding them, unpaid and unrequited, and sending them penniless and almost naked to their homes. The effect of this anticipated measure, upon minds sensibly alive to indignity and injury may be easily imagined:—At the moment when passion might have triumphed over reason, the army was addressed by an anonymous writer, on the subject of their wrongs, with a degree of eloquence calculated to redeem if any thing could redeem, the vicious tendency of his principles. He admonished them of the futility of their complaints, and urged them by every motive that could be addressed to their hopes and to their fears, to change the supplicatory style of a memorial to language more becoming those who had the means of redress within their hands. At that perilous moment, on the events of which were suspended the honor of the Army, and the future welfare of the country, their commander-in-chief appeared amongst them. He conjured them to give one more distinguished proof of unexampled patriotism, pa-

tience, and virtue; to rise superior to the most complicated sufferings, and by the dignity of their conduct, give posterity occasion to say, when speaking of their glorious example—“Had this day been wanting, the world had never seen the last stage of perfection which human nature is capable of attaining.”

They listened to the voice of their beloved commander, followed his advice, surrendered their arms, and sunk, penniless, into the ranks of private life. In the succeeding month, the certificates of commutation were tendered, by the Paymaster General, who requested only an acknowledgment of their receipt, while in relation to the final settlement certificates for their pay, he required a full discharge of their demands. The certificates thus tendered, were accepted, and in almost every case, immediately sold, for the purpose of satisfying the most urgent necessities of nature. He asked the Senate whether it would comport with the dignity and honor of a great and magnanimous people, to avail themselves of an acceptance extorted by circumstances like these; and to urge it as sufficient to bar the claims of justice, and divest their protectors in the hour of danger, of their stipulated reward?

But it has been said, that this commutation excited no dissatisfaction at the time; that the complaints upon the subject are of a recent date, and now, for the first time, thought of as a plausible support to an unfounded claim. The Senator from S. C., (Mr. SMITH,) who has been impelled, by a sense of duty, to assume the unpleasant task of zealously opposing the bill upon your table, has inquired, with much apparent triumph, whether a single individual could be pointed out who had refused the commutation? He assured the worthy Senator that he had adopted an erroneous impression. When tendered it was received with universal discontent, and by the junior officers who were most likely to be injured, with decided reprobation. Had an opportunity for inquiry been allowed, he had no doubt of being able to designate many who had refused. At the moment he could refer the Senator to Major Gadsden, of his own State, whose petition on the subject had been presented to the Senate; and if respect for the feelings of an honorable member before him, did not render it improper to drag the name of his venerable father into the debate, he could name another veteran soldier of the revolution,\* the confidant of Washington and the companion of Lafayette, who had served his country bravely and efficiently throughout the war, and who refused to receive the commutation, because violating, in his opinion, the leading principles of the Revolution, by subjecting his property to the decision of men whom he had never authorized to act in his name or stead. But, sir, said Mr. V. B., what effect did the supposed injustice of his country have on this veteran soldier? Did it in the least damp his ardor in her cause? By no

\* Col. McLane, of Delaware.

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means. He belonged to a different school, and he gave the most palpable proof of the enduring quality of the principle of that school during the late war. On learning the approach of danger he repaired to this city. On the disastrous day of *Bladensburg*, he was found, at the advanced age of seventy, on horseback, in the field, stimulating to exertions, by his example and exhortation. When the danger pressed the hardest he waited on the military commander of the day, and solicited the responsibility for the safety of the City, by being intrusted with the possession of this capitol, with a reasonable force for its defence. Denied in his application, mortified and humiliated by the results of the day, he found his way back to his home and the home of his family, where he still lives, blessed with the esteem of his friends, and the respect of all who know him.

But assuming, said Mr. V. B., that the act of commutation was just, in its inception, was it just in its execution? On this point, he thought there was no room for contrariety of opinion. An essential difference, he observed, existed between the claims for pay and subsistence of the Army, and those arising from the stipulation of half pay for life. The former being payable during the war, when it was known that the finances were embarrassed, were properly subject to the depreciation of that period. But the promised half pay for life was expected to survive the period of embarrassment, and therefore to be payable in the sound currency of the country. Some of the reasons which inclined the officers to accept a commutation have already been noticed. The necessity of obtaining pecuniary means to enable them to embark in other pursuits, formed a no less prevalent inducement. To effect this object, it was obviously necessary that the equivalent to be received should be promptly paid or adequately secured. The act of commutation did neither. It is surely not enough to say that the resolution of Congress prescribed that the commutation of five years' full pay, should be paid in securities, unless it can be shown that paper, absolutely worthless, was the security intended. Can it for a moment be supposed, that Congress meant to deceive their brave defenders, by holding out a "promise to the ear," only "to break it to their hopes?" No, sir, they meant what they expressed, that the securities should be real, and not nominal; their repeated and earnest requisitions upon the States prove their intention; and nothing but the inherent weakness of the Government, and the failure of the States to comply with the requisitions of Congress—an excuse fortunately not in our power to plead—prevented that venerated body from redeeming their engagements. But though the depreciation which followed was not attributable to Congress, its effect upon the officers was not the less fatal. Necessity, that waits not for times or seasons, compelled too many to carry their certificates into market, and the amount which they produced served but to

realize the destruction of all their hopes. The few who retained them until 1791, experienced a loss not less severe than unexpected. It has already been stated that, by the operation of the funding system, one-third of the amount which the commutation certificates declared to be due was deducted by the Government. The reason alleged for a measure apparently so destructive of public confidence, and individual rights, was the well-known fact, that by far the greater part were held by speculators who had purchased them at an inconsiderable price. Mr. Madison, it is true, endeavored to exempt the certificates in the hands of the officers from this deduction; but having failed in his attempt, the least necessitous of the officers were doomed to experience a diminution of their already insufficient commutation.

This act of commutation, therefore, is clearly liable to the objection:

1st. Of not being a just equivalent for the promised half pay for life.

2dly. Of having been effected under circumstances, and by the operation of motives, which deprive it of all obligatory force, and entitle the officers to liberality instead of rigor.

3dly. Of partial and defective execution.

If, said Mr. V. B., no other obstacle were interposed to the claims of the petitioners than those to which he had alluded, fortified as they are, by facts not susceptible of misconstruction, and resting upon the plain and immutable principles of justice; no doubt could be entertained of your favorable decision. But he was apprehensive that other considerations would have their influence: that the claims of the petitioners would be clouded by dangers in prospective; and, that the fear of establishing a precedent by which the door of your treasury would be unlocked to a crowd of applicants pleading their poverty, and urging their misfortunes, may induce you, in this case, to resist the strongest impulses of your hearts, if not the dictates of your judgments. Among the different grounds upon which this apprehension is founded, a leading one, he said, is, "That the bill did not embrace the cases of private soldiers, who might also have sustained injustice, and whose services were not less meritorious than those of the officers themselves."

Before I proceed, said Mr. V. B., to consider this objection, allow me to call your attention to one or two incidental remarks. A variety of persons, officers of the army, who had not served to the end of the war—private soldiers, militia officers, and citizens who had borne the privations of that period, had been successively brought in review before the Senate; and their losses and sufferings, after having been forcibly depicted, were urged as a reason for the rejection of the claim of the petitioners.

If, said Mr. V. B., any thing could aggravate the injustice already inflicted upon the petitioners, it would be an objection like this. Had the claims of the persons alluded to been similar to those of the petitioners, the argument



derived from an equality of right would be entitled to attention; but if dissimilar, let them be disjoined. The allowance of the one can constitute no ground for the admission of the other; and by uniting them together, you throw upon the petitioners the misfortunes of others, (misfortunes for which they are in no sense responsible,) in addition to their own.

Now, sir, said Mr. V. B., it is easy to demonstrate that no similarity exists. What is the object of this bill? To repair a wrong in not having given a just equivalent in satisfaction of a promise of half pay for life. Do the claims of any others rest upon a basis like this? Is it alleged that any such or similar arrangement was made with the soldier? Most assuredly not. If, then, no similarity exists, an attempt to connect them would be plainly unjust.

I am aware, said Mr. V. B., of the imposing character of the argument that has been urged in favor of the claims of the common soldier. In a Government like ours, appeals in their favor cannot be made without effect. They derive their force from that all-pervading jealousy of power, which is generally supposed to be the concomitant of official station and accidental elevation. Although not insensible to its influence, he was not disposed to complain of its effect; and when properly directed or controlled, he considered it necessary to the successful operation of our political system.

But, sir, said Mr. V. B., instead of yielding our judgments to favor on the one hand, or improper prejudice on the other; it became our duty as public men to know no distinctions but those of merit, and no rule but that of justice. Was it true, then, he asked, that the partiality of the Government had inclined to the officer, in preference to the soldier? Is it not evident, on the contrary, that in every case the former has been treated with distrust, and the latter with indulgence? Upon what can the soldiers predicate a claim for additional compensation? Upon the ground of the depreciation, and no other. The losses of the officers, on this account, were as much greater than those of the soldier, as the relative difference of their pay; and yet this bill contains no provision in their favor upon that subject. This, then, can form no objection to the proposed allowance. But, sir, in relation to the relative condition of the officer and soldier when they entered the service, General Washington informs us in his letters to the States, contained in the book which I hold in my hand, that the private soldiers had this signal advantage over the officers. They received at the time of enlistment, from the States by which they were raised, a bounty of from two to three hundred dollars, in good money, or provision for their families. No such advances were received by the officers. What, sir, said Mr. V. B., has been the subsequent conduct of the Government? The average pay of the officers, calculating from a colonel downwards,

was forty dollars per month. That of the soldier was six dollars and a quarter.

Now, by the pension act of 1813, the allowance to officers and soldiers, reduced to poverty, was, for the officers, twenty dollars per month, and for the soldiers eight dollars per month. Giving to the officer less than half pay, and to the soldier more than full pay. So, said he, would it ever be. Whatever might be the declamatory appeals upon this subject, there no danger that the partiality of Congress would ever be manifested for the officer, to the exclusion of the fair claims of the soldier. To prevent misapprehension, said Mr. V. B., I will proceed further. I have said, that I am not insensible to the feeling which had been so strongly pressed into the argument. As an evidence of the sincerity with which he spoke, he expressed his willingness to adopt any measure in favor of the soldier, that the gentlemen opposed to him could reasonably desire. Most of the soldiers, said Mr. V. B., had been placed upon the pension list. The limited number who had not, must average seventy years of age. Let, said he, a section be prepared, placing all who had enlisted for the war, upon the pension list, at eight dollars per month, without requiring evidence of poverty. For a measure like this, he would readily vote; if even more were proposed, it should receive his deliberate attention, and, if possible, his concurrence. Frauds might be practised; but they would, of necessity, be of short duration. Even now, the expense would not be felt; in a few years it would cease to be remembered; while the fame that would attend it, would constitute one of the most valuable legacies to posterity that can be left behind us.

Instead, then, of opposing the bill because it contains no provision for the soldier, might he not with some propriety ask of gentlemen to propose a remedy for the defect, and not condemn for omission, whilst making no effort to have that omission supplied?

Another cause of apprehension from this bill, as a precedent, arises from the supposition that if it be intended to provide for losses incurred by the depreciation of commutation certificates, the Government will be bound to compensate for similar losses, whether incurred by the army or the public creditors. These fears, said Mr. V. B., I consider visionary. The bill does not propose a compensation on account of depreciation. This would be impracticable, because no data could be obtained by which an estimate could be formed to justify a legislative act. The depreciation of the commutation certificates has been referred to solely for the purpose of enforcing the equity of a claim originating in a contract, never satisfied by the act of commutation, but from which you are legally absolved by the acts of limitation. Until the soldiers can plead a similar contract, and the equitable considerations which the officers have urged, they can have no right to

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place their claims on an equal footing. Still less, sir, said Mr. V. B., can it be said that this bill will afford a pretext for reviving the dormant claims of the public creditors. Their case is widely different from that of either the officers or the soldiers. While the pay of the army was fixed and stationary, its actual value was reduced by the depreciation of currency, which they were compelled to receive at par. But the suppliers of the army, the great mass of public creditors, regulated their contracts by the fluctuations in which they expected to be paid, and the prices demanded bore an exact proportion to its depreciation in market.

It has been urged, too, as an objection, that provision had not been made for the officers who did not serve to the close of the war, and for the militia. It was sufficient to say that with them the Government had entered into no such engagement. The surviving officers of the revolution who had been called from service before the end of the war, generally by public considerations, would not, he was persuaded, repine at the success of their brethren in arms, or make it the basis of unfounded complaint. It has been stated by the venerable and worthy Senator before me, (Gen. S. SMITH,) that this bill will not embrace his case, for the reasons he has given. Who would have more cause to complain than he, if, indeed, any cause could be found in the measure proposed? Of his conduct and services in two wars, it would be superfluous to speak. They are familiar to us all; and he wished he could add, had been as well appreciated by the Union as by the State whose interests he had promoted in peace, and whose safety he had defended in war. The solicitude which he had manifested for the friends of his youth, and his companions in danger, must have awakened the sensibilities of those who witnessed it; while his zealous, though disinterested support of the bill upon your table, constituted a convincing proof that it would be viewed by others, who might be excluded from its provisions, with equal satisfaction.

The last, and, to his mind, the strongest objection against the passage of this bill, was its making no provision for the widows and children of deceased officers, who were entitled to half pay. By whom, sir, said Mr. V. B., had this objection been adduced? By the parties themselves? No, sir; by those who have had no conference with the parties. Do they advocate the claims of the heirs and widows because they have heretofore been importunate for relief? No, sir; from the first agitation of this question in 1810, to the present moment, he was authorized, he believed, to say, that not a single petition had been presented in their behalf. Sir, said Mr. V. B., we resist the claims of the living by exorcising the spirits of the dead. The gentleman from Georgia declares that he will not vote for the bill, because the heirs and widows are not included, and that he would not vote for it, if they were.

It has been asked by the Senator from South Carolina, whether a positive debt, a vested interest, does not descend to the heir, and whether a Government, any more than an individual, is discharged by the death of its creditor? The objection thus presented is plausible in its appearance, but he was persuaded, easily surmounted. He had already, in his opinion, given a satisfactory answer. Whatever might have been the original character of the claim, it could no longer be regarded as legally binding on the Government. It was barred by the statute of limitations—a measure sometimes harsh, but not the less founded in policy and justice. This shield, interposed by the Government for justifiable ends, might be removed, at the option of the Government, only in the cases which policy and justice might demand. It has a perfect right to permit it to operate upon the officers, their widows, or their heirs—and neither might, in strictness, have a legal ground of complaint. I have endeavored, said Mr. V. B., to show that equity requires, and policy does not forbid the allowance proposed for the surviving officers. The claims of the widows stood, in his opinion, on a different foundation. But he should not be willing, for one, to oppose them. Their number must be small; not half as great, in all probability, as that of surviving officers; say one hundred at the outside. Give them a gratuity of one or two thousand dollars each; and if necessary, deduct it from the sum you would otherwise give to the surviving officers. They, he was well assured, would not utter a complaint. On the contrary, the value of what they received, would be doubly enhanced by the cause of the deduction. The supposed claims of the heirs could not be presented to your attention with equal force. Of the two thousand four hundred and eighty officers of the revolution, two thousand two hundred and fifty are no more. Their temporal interests, whatever they were, have been distributed, in many cases, among successive generations. To ascertain and distribute the respective shares to which the heirs would be entitled, of the small amount now proposed to be given, if not wholly impracticable, would involve an expense that would consume the means of your bounty; and without being productive of substantial benefit, your resources would be exhausted. But, said he, these are considerations of an inferior character, founded on expediency only. Your refusal to grant to the heirs, may be placed on the highest ground of principle. Whatever you now do in favor of the officer, must be voluntary, proceeding from your liberality and gratitude. All other obligations have been cut off by time. All your endowments springing from such motives, being for the reward of personal services, may with propriety be confined to those by whom those services were rendered. This, said he, is not a new principle in your legislation. It lies at the foundation of the act of 1818, providing,

not for the heirs, but certain portions of the revolutionary officers and soldiers, by the operation of which, millions have in his opinion been beneficially applied. It was called indeed a pension act, but with no more propriety, according to the established principles of the Government, than the bill upon your table.

What, according to these principles, are the grounds upon which pensions have been granted? They were, exclusively, disability produced by known wounds received in the public service, and half pay for a limited time to the widow and infant children of those who had fallen in action. Since the date of our independence, these only have been the legal and appropriate causes for being placed on the list of pensioners. The annual allowance to a limited number of the officers and soldiers of the Revolutionary army, by the act of 1818, was founded on no such consideration, otherwise the widows and orphans of the deceased officers and soldiers would have been as much entitled to your bounty as they can be now. They did not receive it; and the only justifiable reason which could then have been given, was the one which may now be assigned. You had a right to make your donation personal. You had a right to enlarge or contract the circle of your beneficence, according to your own views of the state of your treasury, the exigencies of society, and the claims of humanity. Among the most powerful motives for its adoption, was the desire to rescue the country from the reproach of seeing those to whom it was indebted for its liberties, thrown, in the evening of their days, amidst the prosperity they had been instrumental in producing, upon the cold charities of an unfeeling world. It was to prevent the vivid and heart-rending picture of Roman ingratitude, which, though the invention of modern days, has so long interested the world, from being only descriptive of real life in the streets of this proud capital.

Mr. V. B. said he would say nothing as to the amount. Full justice had already been done to that subject. The general object was to make up, in part, the loss sustained by the officers, out of the profits made by the Government, by the successful result of its compromise with them. Let us, therefore, said he, pass the bill upon your table. Let this body have the credit of originating it. Let no narrow or weak views impede our course. No matter where these honorable and patriotic men are from; whether from the North or the South, the East or the West; whether from the old States or the new. In every State where the blessings of a free Government are enjoyed, there they had a name, if not a local habitation, that could not fail to work its way to the hearts of their fellow citizens. It was true, he said, that by the list submitted, it did not appear that any of the officers resided in seven of the new States, and he was not sorry for it. If he were not deceived in the character as well of the people of those States, as of their

representatives on that floor, they would rejoice that an opportunity was thus presented to evince their devotion to the cause of the revolution, and their gratitude for the services of those who fought our battles in that day, without even a suspicion of a selfish or local object. This will be the more gratifying to them, because it was not their good fortune, as States, to be in a situation to take part in that great struggle, out of which grew this mighty empire, and all the blessings of civil and religious liberty, that we now so pre-eminently enjoy. He had not a doubt that all that remained for them to do, they would do well. If evidence of the fact were wanting, he had only to allude to the small but patriotic State of Illinois, which alone had instructed her representatives on that floor, upon the subject under consideration, in a spirit reflecting upon herself the highest credit, and affording the most flattering presage of her future greatness.

Mr. V. B. said that he was distressed by the consciousness that he had already trespassed too much upon the kind indulgence of the Senate. In any other case he would have considered it reprehensible to have done so. He would therefore (although there were yet many considerations which he intended to have urged) draw his observations to a close. There was, however, one point upon which he felt too much solicitude to suffer it to pass unnoticed. If by any one he had been understood as casting ashpit of censure or reproach upon the old Congress, he desired to correct so erroneous an impression. He could not indeed have done so consistently with his own long-cherished opinions. On the contrary, he did not believe that the world ever witnessed, or ever again will witness a body of men more patriotic or enlightened. He would not believe that it was in their nature to be indifferent to the just claims of the Revolutionary army. The question with them was not what they would, but what they could do. The embarrassments under which they had labored from want of power, and the backwardness of the States, who themselves were struggling against the exhausting effects of a cruel, bloody, and protracted war, were known to all. As little did he wish to cast reproach upon the counsels of the nation. Every thing could not be done at once. Much had been done under the present constitution, to satisfy the claims of justice, and vindicate the character of the republic. It is our good fortune that something still remains for us to do. Fear not, that in doing it, you will go beyond the wishes of your constituents—your feelings lag behind them. Speaking for his immediate constituents—and he had not the presumption to suppose that they were more just or public-spirited than their neighbors—for them he could say, with confidence, that, having some share in the national funds, and contributing no inconsiderable part of their amount, they would willingly pour them out, like water, in a cause so righteous. With

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them, a million more or less of public debt, compared with the preservation of the public faith, would be as nothing. He gloried in the consciousness that he was the representative of a people influenced by such elevated sentiments. Every day, said he, makes the remnant of this band of worthies more dear to the American people. When that period arrives—which a majority of the Senate may expect to see—when the last of the officers of the Revolutionary army shall be called from time to eternity, it will be the cause of keen regret and self reproach, if, upon a review of the past, it shall appear that any thing was omitted that ought to have been done to smooth their passage to the tomb.

One word more, and he had done. The Senator from Maine, (Mr. CHANDLER,) who, although he had lost his father in the struggle, had felt it to be his duty (and there was no man, he believed, who more implicitly followed his sense of duty) to oppose the bill, had, with his characteristic shrewdness and pertinency, asked—did General Washington, whilst at the head of Government, ever recommend this to the notice of Congress? The worthy Senator well knew what the answer must be, and the train of reflections it would give rise to. General Washington did not—but why? Before and after the war, he spared no pains to make the States sensible of what was due to the officers on this very point. His letters have been read. He urged them by all the considerations that belonged to the subject, to act efficiently for their relief. He failed. After he came into the Government, the officers themselves evinced no disposition to revive their claims, and it certainly would not have become him to be the first to bring them forward. It is not difficult to conceive why the officers were, at that day, willing to avoid all applications for pecuniary aid. New prospects opened—they were probably not exempt from those feelings of ambition and hope of preferment, which actuate mankind. They have out-lived them, and they humbly ask for justice. But, sir, what was the language of the Father of his Country, when the subject was an open one? In his circular of June, 1783, to the Governors of the States, he said:—"The provision of half pay for life, as promised by the resolution of Congress, was a reasonable compensation offered at a time when Congress had nothing else to give to the officers for services then to be performed; it was the price of their blood and your independence, and as a debt of honor, it can never be cancelled until it be fairly discharged."

One question, said Mr. V. B., and I have done. Has it been fairly discharged?

Mr. PARRIS was disposed, he said, to withdraw his amendment, with the understanding that he should have an opportunity to renew it. While up, he would remark that it was true that the soldiers had, to a great extent, been paid; but there are many who have not

been paid, and who never will be paid, unless they are paid now, side by side with their officers. It is the officers alone who have kept the claims of the soldiers alive. The soldiers cannot meet in conventions, issue circulars, frame memorials, and get up all the necessary machinery for acting on the public sympathy. If they do not succeed with the officers, their claims are lost. He withdrew his motion, but should renew it when the question had been taken on the bill as reported.

The question then recurred on filling the blank with \$1,100,000.

Mr. RUGGLES could not vote, he said, to fill the blank with that sum merely for the officers. He thought, also, that those officers who, on the first alarm of war, left the plough for the ranks, were as well entitled to remuneration as the officers who served to the end of the war.

Mr. SMITH, of Maryland, was, he said, one of those officers who entered the Army at an early period, and resigned before the close of the war. He had, therefore, no claim, and never had advanced any. None who left the Army before the close of the war can have any claim. In the year 1778, General Washington addressed Congress on the state of the Army, which was near dissolution. In 1779, many of the officers resigned; and to prevent more from resigning, the act of 1780 was passed. No one, then, who resigned before the close of the war, can be entitled to any benefit from the provisions of that act.

TUESDAY, JANUARY 29.

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The bill for the relief of the several surviving Officers of the Revolutionary Army, was taken up.

The question being on filling the blank in the bill with 1,100,000 dollars—

Mr. SMITH, of South Carolina, said: He was opposed not only to filling the blank, but was opposed to the passage of the bill under any circumstances, and would ask the indulgence of the Senate while he offered some of the reasons upon which he grounded that opposition. Although he was far from entertaining any ungrateful feelings towards the surviving officers of the Revolutionary army, yet he could never yield his assent to the assertion that they held exclusive claims, either upon the justice or gratitude of this Government.

It has been stated by the chairman of the committee (Mr. WOODBURY) which reported this bill, that there were only 230 surviving officers to provide for. To satisfy the claims of these survivors, it was necessary to fill the blank with the sum of \$1,100,000. At the close of the war, the whole number of officers then surviving, entitled to half pay, were 2,480; deduct from that number 230, will leave 2,250; in the ordinary course of mortality, it is fair to suppose, that the average deaths would allow a calculation of 1,125 entitled to full pay, in equal

degree to the surviving officers, now sought to be provided for. This would require an additional sum of \$5,380,434, which, with the \$1,100,000, asked for the survivors, would make an aggregate of \$6,480,434. If either justice or gratitude require the Senate to make provision for the surviving officers, the same measure of justice and of gratitude, require provision to be made for the widows and children of the deceased officers, whose rights were as well founded, and whose rights were as perfect, up to the time of their respective deaths, as that of the survivors.

Mr. S. said he had yet to learn by what rule of law, or by what rule of gratitude, this discrimination could be made. It was a settled principle of municipal law, of almost the whole civilized world, founded in nature itself, and fully recognized by every State in this Union, to its fullest extent, that in all cases after death, the relations of the deceased, whether his widow or his children, his father or his mother, his brothers or his sisters, or relations in any other degree, were by inheritance entitled to the whole of his estate, in whatsoever it might consist; whether in lands, goods, moneys, or debts due, either from private individuals or from Governments. If, therefore, this be a debt of obligation, founded on contract, to the survivors, it is equally a debt of obligation, founded on contract, to the legal representatives of the deceased officers. And it would be a perversion of one of the soundest maxims of law, to suppose that the death of a creditor cancels the debt, or lessens the obligations of the debtor.

Mr. President, we have heard it stated, during this debate, by a Senator from Ohio, (Mr. RUGGLES,) that a revolutionary officer of distinguished merit, died in his neighborhood but a few weeks ago, and left a family of twenty children, two of them twin girls only four years old. Are we, Mr. S. asked, to close our eyes upon the claims of these tender and helpless infants, because their father has been taken from them by the hand of death? who, had he survived but a few weeks longer, would have shared in the bounty of the Government asked for in this bill. Are we to forget the dead, however meritorious their claims, claims founded on the very same law, governed by the same rules of construction, and enhanced by the piteous condition of the objects to whom it must be equally due, if due to any, merely because we behold the living presenting themselves personally before us? This would be an exhibition of feeling but little to the credit of the Congress of the United States!

Congress had in 1781, almost at the close of the war, promised by a resolution, half pay for life to all such officers as should remain in service to the end of the war. This was considered an odious distinction, and became excessively unpopular. It did not suit the genius of this country, and was opposed to the principles of that liberty for which we were then strug-

gling, and was one of the features of the British Government which produced the contest. These officers viewed it in that light themselves, and wished to get rid of it; and in December, 1782, after the preliminary articles of peace had been signed, voluntarily stated, in a petition to Congress, their belief of its odious character, and said in that petition, "We are willing to commute the half pay pledged, for full pay for a certain number of years, or for a certain sum in gross, as shall be agreed to by a committee sent with this address."

These are their own words, and their own committee, sent with that address, consisted of Major Gen. H. Knox; Brig. Gen. Patterson, Col. Crane, Col. Maxwell, Brig. Gen. J. Huntington, Col. Webb, Col. Huntington, Col. Cortland, Col. Cummings, Maj. Scott, Wm. Eastia, Hospital Surgeon, Brig. Gen. Hazen. Officers of high standing, selected and deputed from among themselves, with full powers to make the arrangement with Congress, what commutation should be given for the half pay. And among the members of Congress appointed on the committee to make this arrangement with the committee of officers, was Gen. Alexander Hamilton, who had gone through the whole war himself, knew the relative claims of these officers, and whom he was one, and who was as just as he was generous, and as generous as he was brave; which was really surrendering almost the whole matter into their own hands to settle, and it was settled to be equal to five years' full pay, and no more. And when settled at that, it was not made compulsory by the resolution of Congress, but left optional to accept the five years' full pay or hold on to the half pay for life. Ten States, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, accepted it by lines, and not a murmur was heard for twenty-seven years afterwards, when, for the first time, they brought it up. And at the distance of forty-four years the Senate are told the commutation was unjust, arbitrarily settled at the discretion of Congress, and forced upon those officers without any alternative, to take that or nothing; and that they come now to ask justice, and demand a fulfilment of the compact. And gentlemen affirm that upon principles of law and equity, it is a contract not yet fulfilled, and which in a court of justice the Government would be bound to fulfil.

Mr. S. said he was not brought up at the feet of Gamaliel, but he understood the law of contracts better than that. To render a contract binding on both parties, nothing was necessary, but that the parties were capable to contract, were willing to contract, and actually did contract. And if capable and willing to do so, they could make, and could change that contract as often, and into as many forms as they pleased. It required no lawyer to know this. It was every day's practice, with every man in the Government. But we have a fash-

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tion of paying Government contracts as often as they are asked for. What was the contract? First, that the officers who should remain in the Army to the conclusion of the war, should be entitled to half pay for life. Who asked to change it? The officers themselves. When it was changed, to whom was it submitted for acceptance? To the officers themselves. Who did accept it in the very form in which Congress had placed it; to be paid in securities, or interest of six per cent. per annum, instead of the half pay promised for life? After they had done so, it would be sporting with the rights of the Government, to say the contract had not been fulfilled on her part. If the Government has any rights, it has the same rights of individuals, governed by the same rules, and entitled to the same privileges. And it would be idle to say, when the Government had done no more than to meet the very wishes of the officers, and gave them what they asked for, that the contract was not fulfilled, because the operations of the change had not proved as prosperous as some of them had wished.

Mr. President, our gratitude has been invoked on this occasion. The gentleman from Ohio, (Mr. H.,) has read various letters, written by Gen. Washington to Congress, stating the discontent of the officers of the Army, the hardships they endured, and concludes by saying, they would have quit the Army, had not Congress promised them the half pay; and asserts, it is to those officers that we are indebted for our civil and religious liberty, as well as for our independence as a nation, and the freedom of debate we now exercise in this Senate. Mr. S. said, it was by no means his wish to detract from the military merits of those officers; and much less would he have supposed they were actuated by the hope of pecuniary reward, to continue in the Army, had not the gentleman himself affirmed, it was the promise of the half pay which kept them there. He was willing, himself, to ascribe to them better motives for remaining in the Army, than the hope of pecuniary reward. He was willing to believe it was patriotism that kept them in the Army. All your gallant men prefer the thick of battle, and seek death itself, as the highest reward of the brave. And can it be a motive to an American Senate, to pay those officers a second time because they would have left the Army in the time of its greatest peril, but for the promise of half pay?

Mr. President, it is an error that is gaining ground in proportion as we recede from the period of the revolution, that the independence of this Government was achieved solely by the regular army. It is an error that has been promoted by the very officers themselves, and to which gentlemen very naturally subscribe who witnessed no part of those times which tried men's souls. That war was a war without a parallel. It was forced upon the people of this country when they had neither money, arms, nor experience: and not more than three mil-

lions and a half of a population. In this situation they had to meet a brave and experienced enemy, with a veteran army, and experienced and gallant officers at its head. The most determined doubted; but there appeared to be no alternative, and a general enthusiasm pervaded the whole community, with a few exceptions; and all who valued freedom were eager for battle, in defence of their homes and their firesides, and death or liberty was the universal motto. It was this proud eminence assumed by the American people, that gave them liberty, independence, and freedom of debate: not the sordid mercenary hopes of pecuniary reward.

But, said Mr. S., it has nearly come to this, since time has thrown a veil over those scenes and achievements that ought to characterize that war, that we are taught to believe that, during that war, every thing was quiescent, and everybody happy at home in the enjoyment of their families and fortunes, except the regular army; and that there was but little praise due to any but the officers. The arguments seem to go upon the ground that this is the correct history of the revolutionary war. Gentlemen who entertain this opinion, know but little of that war, as it was carried on in the three southern States of North Carolina, South Carolina, and Georgia.

The chairman (Mr. W.) has told us, these officers broke up their connections in life, and left their families and their homes to serve their country. And so devoted was one of them that he left his dead father unburied, to enter the Army. This, all will admit, was patriotic. But what does this weigh when compared with the bloody scenes that spread horror and desolation throughout the two Carolinas and Georgia, during the years 1779, 1780, and 1781; a good part of which time you had no regular army there. Whilst the British Army were there ravaging the country wherever they went; not a horse in the country upon which they could lay their hands, that they did not take, to repair the waste in their own cavalry, or for the use of their baggage wagons. All the cattle, hogs, sheep, flour, wheat, corn, and every description of forage, fell a prey to their rapacity. And what was not consumed, was wantonly burned and destroyed. The Tories, following in their train, burning dwelling houses, out buildings, and fences, and laying waste with fire and sword, all that came in their way. Plundering the defenceless women and children of any little remains of provisions that the Army might have left, and stripping them of their wearing apparel, and the very bed clothes that covered them by night. Mothers and daughters who had seen better times, labored in the field to procure a scanty subsistence; whilst the fathers and brothers were harassing the enemy, and fighting the battles of their country. Not in the regular army, but in volunteer and self-created bodies; self-trained, and mounted on their own horses, and armed with

their own rifles, and other arms, such as they could procure; all at their own expense, without the aid, or even the knowledge of the General Government. They annoyed the enemy by hanging on their borders, killing their light troops, cutting off their foraging parties, shooting their sentries at their posts, and destroying and dispersing the tory parties wheresoever they assembled. No friend of his country could remain at home in safety. Many who ventured there for a moment, were dragged from the bosoms of their families, and butchered at their own doors. Others who were taken in arms, were treated as rebels, and hung upon the limbs of trees, on the road sides. These scenes became so familiar, that the spilling of human blood lost the most of its horrors.

While this undisciplined warfare was carried on by the community at large, by a spirit of patriotism unrivalled, General Sumter, with no other authority than a commission from the Governor of the State, for the Legislative body was dispersed by the enemy, drew to his standard a respectable number of volunteer militia, who displayed as much bravery, and fought to as much purpose, as any continental troops belonging to the regular army. They distinguished themselves, and were victorious in almost every battle they fought. Their leader was as gallant a soldier as ever drew a sword, with all the qualities of a cool, circumspect general. His successful operations were more confined to the middle and southern parts of the State.

General Marion, who acted under a similar commission, only from the Governor, confined himself more to the eastern part of the State—whose partisan corps were entirely volunteers, also. Mr. S. said that he might be more accurate as related to his operations, he would read it from Ramsay's History of the United States. Speaking of the promotion and success of General Sumter he says: "About the same time Marion was promoted to the same rank, who in the northeastern extremity of the State, prosecuted a similar plan. Unfurnished with the means of defence, he was obliged to take possession of the saws of the saw-mills, and to convert them into horseman's swords. So much was he distressed for ammunition, that he has engaged, when he had not three rounds for each man of his party. Various schemes were tried to detach the inhabitants from co-operating with him. Major Wemy's burned scores of houses on Pedee, Linch's Creek, and Black River, belonging to such as were supposed to do duty with Marion, or to be subservient to his views. Having no houses to shelter them, the camps of their country became their homes. For many months, Marion and his party were obliged to sleep in the open air, and to shelter themselves in deep swamps. From these retreats they sallied out whenever an opportunity of harassing the enemy, or of serving their country, presented itself."

Marion was a man of large fortune, and lived

at his ease. He abandoned it all, made the morasses his dwelling place, and his rations were parched corn and potatoes, when he could get them. He may justly be called the Leonidas of the South. He never was defeated, nor could the strongest threats, or the most flattering promises from the enemy, induce him for one moment to forsake the cause of his country. Sumter and Marion could have had any promotions they would have asked for in the British Army, if they would have accepted it. Or if they would have laid down their arms, even at the most gloomy moment of that perilous time, they could have been protected in their persons and fortunes by that army. But they were inspired with other considerations, of a higher character. They were inspired by a patriotism and love of country that never tired, and taught them to look upon pecuniary rewards as trash; not to be put in competition with a soldier's honor, nor with a patriot's love of liberty. Their troops, composed as they were, entirely of volunteer militia, from the mass of citizens, were equally inspired by the same motives. There never was a regular army belonging to the Government, from the beginning to the end of the revolutionary war, that endured such hardships, who fought more or more successful battles, or rendered more essential service. These men never received a farthing from the General Government, neither for their services, nor their arms, which they furnished for themselves for the most part. Nor has a single man among them, however hacked or cut to pieces, ever been placed upon your Pension Roll.

Many of the first citizens of South Carolina were seized, incarcerated in prison ships, and sent to St. Augustine, and other unwholesome climes, to subdue their patriotism; many of whom perished. Col. Laurens, the elder, was sent to England and imprisoned in the Tower, to subdue his own patriotism, and strike terror in others. These tortures were endured by men who lived in the lap of ease and fortune, all of which was abandoned to the reckless ravages of the enemy, rather than they would abandon the cause of that independence in which they had embarked. Was there any officer in the Continental Army who suffered such hardships, and made such sacrifices for the cause of freedom? Who is there who would not rather rush upon the spear of his enemy, and hazard his life in battle, than be confined in the hold of a prison ship, in an unwholesome clime? At the same time these scenes of horror and discomfort were going on in South Carolina, Georgia and North Carolina were also engaged in those of a similar character, except that the British Army remained principally in South Carolina. The three States were destitute for a long time of even the semblance of a regular army. It was the gallantry and patriotism of the farmers of North Carolina, who quit their ploughs, and embodied under Col. Caswell, a militia officer, that totally

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defeated and dispersed a large body of Scotch Tories, that had collected to the royal standard, on Cape Fear River, in 1775, and gave a shock to the formidable tory party in that quarter, from which it never recovered. This was effected by their own means, without the aid of a Continental officer or soldier, or so much as a sabre furnished by the General Government. For which they never received, nor did they even ask, a farthing.

These achievements were followed up by the battle of King's Mountain, in the autumn of 1780, under Col. Campbell, of Virginia, Col. Cleveland, and Col. Shelby, and others of North Carolina, Col. Lacey, Col. Hill, and others of South Carolina, who assembled the volunteer militia of their neighborhoods, to stay the high-handed career of the enemy; and the historian says, "They had so little of the mechanism of the regular army, that the Colonels, by common consent, commanded each day alternately. The hardships these volunteers underwent were very great. They subsisted for weeks together without tasting bread or salt, or spirituous liquors, and slept in the woods without blankets. The running stream quenched their thirst. At night the earth afforded them a bed, and the heavens, or the limbs of trees, were their covering. Ears of corn, or pompions thrown into the fire, with occasional supplies of beef or venison, killed in the woods, were the chief articles of their provisions."

Under all those disadvantages, these volunteer officers and citizens, without a moment's training, met a veteran officer of great experience, and as brave a partisan officer as any in the British army, on ground chosen for the occasion by himself; and with a very small loss on their part, killed and wounded 225, among them Col. Ferguson, their commander; and took 800 prisoners, with all their arms, ammunition, and baggage. The annals of the whole revolutionary war do not afford a more brilliant achievement, or one effected with more cool and deliberate bravery, by any portion of the regular army.

It were these resistances and these successes that gave the first check to the British arms. It destroyed their hopes of submission; and proved that freemen, without training and without discipline, were too brave to be conquered.

Those men and officers did not fight your battles for money. They never cost your Government a single cent. They furnished their own rifles, with which they principally fought. They furnished their own clothes, and their own horses; and their slender and humble rations they picked up where they could find them; and, like the other citizens who fought our battles, without the aid of Government, if any were wounded or disabled, the Government has positively refused to place them on the Pension Roll, but has left them to beg their bread, or starve, if they could find no relief. And yet we are confidently told by gentlemen, in this debate, that we owe our independence

as a nation, and the freedom of debate which we enjoy in this Senate, exclusively to the officers of the Revolutionary army. Gentlemen who assert this fact, have never known by what means the revolutionary war was carried on in the Carolinas and Georgia; otherwise, they must have forgotten it. If they had not, they could not say that freemen, whose blood had streamed in torrents in the prosecution of that war; whose valor in battle had been unrivalled; who had sacrificed their fortunes, and abandoned their families and their homes, and every private comfort for its support, owed their independence, and freedom of debate in this Senate, to the prowess of any other arm but their own.

Mr. S. remarked that it had been affirmed that the regular Army had defended the Southern States. Some portions of the regular army had been there, it was true, but had rendered no sort of service, whatever, until the arrival of General Greene, in 1781.

When the British made an attack on Fort Moultrie, on the 28th of June, 1778, before the Declaration of Independence, with a view of reducing Charleston, General Lee, a Continental officer, next in command to General Washington himself, instead of defending the fort as he ought to have done, declared it impossible, and ordered the fort to be surrendered; when Col. Moultrie, of the militia, refused to obey the order; but said he would continue the defence of the place, and would take the responsibility of a failure upon himself. Your Continental General retired to a place of safety, and Col. Moultrie, with the gallantry of a veteran, sustained the attack, for ten hours in succession, against ten British ships, two of which were fifty gun ships. The siege terminated in the loss of one of the enemy's ships, and a total repulse of the whole fleet. This was the first essay of a Continental officer in the South.

The next was General Lincoln, an experienced Continental officer, who, on the 12th day of May, 1780, surrendered to the enemy, without the fire of a gun, the city of Charleston, both the Continental and militia army, with all the munitions of war, and upwards of 400 pieces of artillery; and put the enemy in the stronghold of the Southern States, from whence they could, and did play in every direction, to the great embarrassment of the southern section.

Col. Buford, with a regiment of Continental infantry, and some horsemen, was sent to the relief of South Carolina. They were assailed by Col. Tarleton, and after the first fire, laid down their arms and sued for quarters, which was denied them; and they were literally cut to pieces. And a great portion of those who were not slain on the field, had their arms or hands cut off, or their heads and bodies hacked to pieces.

General Gates, another experienced Continental officer, was sent to South Carolina with a few more than 900 regular troops. To these



were added 8,000 militia from the neighboring States. With these 4,000 men he met the British army, near Camden, in South Carolina, and a battle ensued. No sooner did the enemy display their columns, and commence a heavy fire, than General Gates fled. Nor did he stop until he reached Hillsborough, a distance of 150 miles, and then but for a short time. The Continental soldiers under Baron de Kalb, and some of the militia under their own officers, fought with distinguished gallantry. But they were overpowered by numbers, and were all either killed, wounded, or taken prisoners. But not a vestige of the regular army remained for active operations. And with them were taken all the artillery and 200 baggage wagons. The State was again left to the alternative either to submit as rebels, and seek protection from the enemy, or fight their own battles, without the least hope of assistance from the General Government. They preferred the latter, which they carried on with an enthusiasm that was never surpassed and but rarely equalled.

This state of things continued until General Greene went on the next year; and even then, much was done by the militia. At the Cowpens the British had 1,100 men, and the Americans not more than 800; two-thirds of them were militia, who were under the command of Col. Pickens. They formed the first line a few hundred yards in advance, and received the first fire; then fell back, as they were ordered to do, and immediately rallied and joined the regulars in charging the enemy with fixed bayonets, which threw them into complete confusion, and five hundred of the British army laid down their arms to the militia.

When General Greene took command of the southern army, it consisted of only 2,000 men, more than half of whom were militia. The battles he fought at Guilford and Eutaw, were said to have been the two best fought battles of the revolution; and more than half his army, at each place, were militia. He was a man of peculiar skill, and of distinguished bravery; and did honor to the cause in which he was engaged. But the bravest General could not fight without an army, and his regular soldiers were but about 1,000; and these were kept as a reserve. His militia were always placed in the front of the battle; many of whom were killed. And that was the last the General Government knew of them. It neither gave them pay, honor, nor provided for their suffering families.

The war in South Carolina was so protracted, and raged with such violence, that, in addition to the volunteer services of almost every man in it, that State, instead of paying one-thirteenth part, which would have been more than its proportion, paid more than one-fifth part of the whole expense of the revolutionary war. Whilst the great State of New York paid but \$1,200,000, South Carolina paid \$4,000,000, although ranked among the small States. The State of Maryland paid but \$800,000. Not-

withstanding, it is urged that we owe our liberty and independence to a very small regular army; from whose efficiency the southern States received but little assistance, when compared with their own unceasing efforts. This claim of the petitioning officers is placed on another ground, as extraordinary as it is novel, which is that the certificates given in commutation for the half pay, had been purchased from them by speculators, for a very small consideration. The answer to that argument is plainly this: If the Government were bound to protect its citizens from the grasp of speculation, it would have more than a Herculean labor to perform. Where could such a requisition end? The Government had fulfilled its engagements, and it belonged to those who were interested to guard against imposition.

Another and a louder complaint against the Government is uttered: that in establishing the funding system, Congress had done injustice by deferring a portion of the interest for ten years. But upon a fair calculation the interest will average more than five per cent. And four per cent. is considered a very high per cent. when secured upon the faith of the Government, as this was. It is far beyond any percentage produced by your best agriculturists. Moreover, these claims were placed precisely on the ground of the claims of every other citizen. And who were they that settled the principles upon which the public debt was funded? General Hamilton, and many other revolutionary officers, were among the most prominent members of that Congress. And General Washington was the President of the United States, who, by virtue of his constitutional powers, could have negatived the law. And can we for a moment suppose that he would not have done so, had he seen any thing like injustice contained in it? We do not believe he ever slumbered over the rights of those officers whom he had commanded, and whom he respected.

The truth is, that the officers of your Revolutionary army, had been more liberally provided for than any other class of men, in this or any other country. In addition to their pay during their time of actual service, they were promised half pay for life, after they should retire from the army, which was commuted for five years' full pay—which was a mighty stretch for a Government at the dawn of its struggle for freedom—and were promised and received large tracts of valuable lands. Each officer, from a major-general down to an ensign, had his lands, and that placed upon the most fertile spots. In addition to this, the Southern States gave their officers large tracts of the finest land in the world. Virginia gave largely and liberally in lands to her officers. South Carolina did the same. North Carolina gave to each brigadier-general 12,000 acres; to a colonel, 7,200; to a captain, 3,500; and to General Greene that State gave 25,000 acres, that were said, at one time, to be worth \$500,-

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000. To that meritorious officer, Georgia gave \$22,500 in money, and South Carolina gave him \$45,000 in money. These were free-will offerings, after the war was ended, which those States were prompted to make, to exalted merit, for distinguished services; and surely they would redeem the Carolinas and Georgia from the crying sin of ingratitude.

But, said Mr. S., there was another, and a very different view to be taken of this subject, which would prove, beyond a doubt, how much further the Government had gone to promote the interests of the military man, over that of every other class of your citizens. The revolutionary war continued seven years. The supplies for the armies, during the first five years of that war, were furnished by the citizens, exclusively for paper money; then called Continental money and States money. The continental money was issued by authority of Congress, and bore on its face a pledge that it would be redeemed with gold or silver. The Congress issued \$241,552,780; to secure the currency of this money, on the 11th of January, 1776, Congress passed a law in the following words:

"That if any person shall hereafter be so lost to all virtue and regard for his country, as to refuse to receive said bills in payment, or obstruct and discourage the currency or circulation thereof, and shall be duly convicted thereof, such person shall be deemed, published, and treated as an enemy of his country, and precluded from all trade or intercourse with the inhabitants of these colonies."

On the 14th of January, 1777, the Congress passed another law to support and enforce this currency, in the following words:

"Whereas the continental money ought to be supported, at the full value expressed in the respective bills, by the inhabitants of these States, for whose benefit they were issued, and who stand bound to redeem the same," &c.

And thus it goes on to make it as penal as the English language could express it.

Under these very penal laws, and from their devotion to their country, the citizens received this money, \$241,552,780, for the support of that war; and when the war ceased, the money ceased to circulate, and fell dead in the hands of the last holders. Not a single cent of that enormous amount of continental money, without which your army would have been a cipher, has yet been paid to your honest farmers who supported your armies upon the plighted faith of your Government, that it would be paid at the conclusion of the war. Not a militia man has ever received a farthing for his services, nor the widows or children of such as fell in battle, have, in one instance, received the bounties of the Government. Pay your debts before you talk of your gratitude. Had these classes of your citizens looked to their pecuniary interests in the hour of peril, instead

of devoting their lives and their fortunes to the public service, and the public good, notwithstanding all your revolutionary officers, and your revolutionary armies, you would yet have been British subjects, and these States British provinces.

It has been said by the gentlemen who advocate this claim, your are unable to pay your militia, and unable to redeem your continental money. Is this the justice, said Mr. S., of which you boast? This one-sided justice; is this to characterize the justice of your country, pay your favorites a second time, and permit yourselves to slumber over the rights of all others, because you cannot spare the money to pay them, from your thousand projects? This would be justice with a vengeance.

Mr. ROBBINS said: In speaking to this subject, I shall speak only to the legal obligation, if any, of the United States, in this case. For though I do not agree with the honorable gentleman from North Carolina, (my friend, if he will permit me to call him so,) that appeals in this case to the gratitude and magnanimity of the nation, imply the absence of legal obligation, or the apprehension of that absence; I do agree that this question is not to be determined on those appeals, nor to be influenced by them, any further than as they are sustained by that obligation. I am the more anxious now to speak to that point, as it has been more particularly challenged by the learned and able gentleman from South Carolina, who has just taken his seat.

The legal question I take to be this—whether supposing the commutation not to be equal to the half pay for life, the United States are under an obligation to make good the difference; an obligation either legal or equitable; for as to Government, there is no difference between the legal obligations and the equitable; both have the same common foundation in justice; their difference is only a difference of forms; and these forms belong to courts, not to Governments.

I begin this inquiry by saying, that the act of 1780, providing half pay for life for the officers of the Revolutionary army, who should serve to the close of the revolutionary war, became a contract with those officers who did serve to the close of that war. The proposition made to them in that act, was a conditional one; and when the proposition was accepted, and the condition was performed on their part it became a contract on the part of the United States, strictly and technically so speaking—a contract with those officers, not as a body, but with each individual officer. In 1783, when the treaty of peace was concluded and ratified, these contracts were perfected and perfect, and became from that moment obligatory upon the United States; and are still obligatory, unless they have been rescinded by each individual acting for himself. For several parties to several contracts, cannot rescind those contracts for one another; nor can a majority of all those

parties rescind them for all. The idea is preposterous.

If these contracts have been rescinded, it must be, I repeat, by the individual assent of each officer to the rescinding act, whatever that act may be. If that assent has been given, I agree it is not material in what form it was given; nor whether by words or by acts; whether expressed in the former, or implied by the latter: but the fact of the assent, and of the individual assent, is material.

Now as to the evidence of this assent. The votes of the army lines, determined by majorities in those lines, is not evidence of individual assent; not even in those majorities; for it is impossible to say who voted in those majorities; and who did not vote in them; it is impossible, therefore, to bring home the assent to any one individual in particular. And there is no pretence, to say that these votes were unanimous. Had they been unanimous, it would have amounted to the requisite proof, as to each individual; but they were not unanimous; and the proof is that the votes were reported to Congress as majorities merely; a majority of the whole, certainly is not the whole; regarding, then, the votes of these majorities as not being evidence of individual assent—what evidence of individual assent remains?

It is said that the acts of these officers imply this assent; that in point of fact they did accept of the commutation notes, given as a substitute for half pay, and did receive them in lieu of half pay; that this implied assent, and was individually given. All this is very true, and would be quite conclusive against the officer, if this assent was voluntary. Here is the turning point of the whole case. If this assent was voluntary, it was conclusive against the officer; but if it was compulsory, it was not conclusive. How was the fact?

If this alternative had been presented to the officer—here, take these commutation notes, or take your half pay for life; and he had taken the commutation notes, the acceptance would have been conclusive upon him, because then it would have been voluntary. But this alternative was not presented to him. The alternative presented to him was this—here, take these commutation notes, or take nothing—yes, or take nothing. That this was the alternative is evident; first, because Congress supposed, and acted upon the idea, that these officers had agreed to accept the commutation in lieu of the half pay; and were to be held precluded. Then in consequence of this supposition, because Congress had made and contemplated making no provision, either immediate or prospective, for satisfying these life annuities, in case the commutation notes should be refused, by these officers, or by any of them. The alternative presented, then, unquestionably was this—either take these notes, or take nothing. And surely an acceptance thus constrained, thus compelled, was not, and could not be called voluntary. A constrained acceptance a voluntary accept-

ance! Why, it is a contradiction in terms. You might as well say that a release of a private debt for half its amount, was a voluntary release, and a binding discharge. No: as in that case, the debt would still be a subsisting debt, at least for the unsatisfied balance; so this obligation is still a subsisting obligation, unless the commutation was a fair equivalent for the half pay. This question then arises—whether it was a fair equivalent; and if so, whether this equivalent has been paid up according to the terms of this contract. But upon these questions I do not propose now to speak. Both have been so clearly explained by the honorable gentleman who made the report, and by others in this debate, that if I made the attempt, I could not hope to shed upon them any additional light. I could but repeat what they have stated, and I fear I should but weaken what I repeated.

Mr. CHANDLER said he was no lawyer, and did not understand the nature of contracts. But he gathered from what had been said, that if any original contract was changed by the consent of the parties, it was still binding. It appears that a majority of the officers did accept the terms of the commutation, and that majority, in his opinion, swept away the original contract. And he looked upon the acceptance of the commutation certificates as a proof positive of their acquiescence in the terms proposed.—Otherwise, said Mr. C., I consider it binding on the claimants to show evidence that they did not vote for the commutation law. If that could be shown, the case would have been made out.

Mr. SMITH, of Maryland. I remarked on a former occasion that the Southern lines never did vote. General Greene never propounded the question to the officers under him—and when they returned home they were forced to accept the certificates.

Mr. WOODBURY observed, that there never was any proof of the acceptance of the law by the officers, with the exception of the report of the Secretary of the Treasury. But, was it not evident that those who did not vote for the bill were those who were under thirty years of age? They were those alone who were to be injured by it. Besides, it is well known that the senior officers had allowed the younger officers to go home on furlough, consequently they were not present when the vote was taken in their respective lines.

FRIDAY, February 1.

*Surviving Officers of the Revolution.*

A bill to provide for the relief of certain surviving officers of the Revolutionary army, was taken up.

Mr. MAON rose, and, after some general remarks, pronounced a high encomium on the military services of the gentleman from Maryland, (Mr. SMITH.) As to the claims of these officers, we all know the straits to which the Government was put to get along, at that time; and that the Old Congress was so hard

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run that they tried to get lands to pay their debts with. And, before the constitution was adopted, the State of Virginia surrendered her lands to the United States; whether wisely or not, I don't pretend to say. The Government wanted these lands to raise funds to pay off their obligations. The States could not help them. A great portion of the country had been so destroyed that it was as much as the people could do to live. Almost every man had been burnt out at the end of the war; and that family which had a cow left, was considered fortunate. Well, sir, you now call on these people, or their descendants, to help these officers whose families were better off during the time of danger.

Sir, had I a talent for description, I would display to you a picture of those times, which would shake the stoutest heart. I would show you the wretched women, (whose husbands were defending the country in the militia ranks,) with their hungry, barefoot, almost naked children hanging round them, contemplating the burning ruins of their homes—without a shelter, and without a morsel to supply the wants of their weeping babes. These things have passed away; and thousands of instances like this are not now remembered. The Old Congress had the most difficult task to settle the accounts of the States. His own State paid millions, besides the vast amount of private losses. The people entered into the contest with the utmost spirit, and followed the enemy with as much avidity as ever Col. Boone followed an Indian in his life. There was a continual skirmishing kept up; and, on the British side, when the Americans were taken or surprised, it was whipping, hanging, and burning. When the paper money run out, what was to be done? It could well be recollected what was the state of the country after the battle of Guilford. The paper money had run out, and there was no specie. Congress then took up a new plan, and the Continental bills run down to one-eighth of their nominal value, which the gentleman from Maryland very well knows. In my State there was but little Continental money. The State struck some paper of its own, which sold at 10 per cent., and, when the confiscated property was sold, the notes were redeemed. This was not done by any other State; and many of the States paid the interest on the Continental certificates. The last cow and the last horse went to keep up the contest; and perhaps nothing was less thought of than individual interest. There were no better troops in the war than the lines of Maryland, Pennsylvania, and Delaware; but it was no safer for the inhabitants to be with them, than with the enemy. The regular troops were, he knew, very much distressed; but were they more so than the militia? They were all paid alike with the Continental certificates. Everybody was compelled to make sacrifices; and it was worse for the people to get along than settling a new coun-

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try. The contributions had been so closely levied, and the ravages so great, that, where the two armies had been, there was no provisions, and few houses. The Continental money was the only currency in the country.

Gen. Hamilton was a man who undertook few things that he did not understand; and he took great pains to get this commutation done for the officers. It could hardly be supposed that he would do what would be injurious to his fellow-officers. The gentlemen of the committee had mentioned the climates of Carlisle and Montpelier as standards. They are both healthy places. But do they suppose that they will apply to this country? Col. Hamilton was sufficiently acquainted with the matter, and knew the rates of annuities, and he fixed upon five years. The commutation was, no doubt, a matter of gratification to the officers at the time. But it was maintained by the gentleman over the way, and by the gentleman from New York, that every individual among the officers did not assent to it. But it was decided by the majority of the lines, and that was sufficient. The same principle applied on the adoption of the constitution. That was done by the vote of nine States. It was then argued that it must be done by the vote of the whole; but the majority ruled. And so it ought to in this case. It is said that the elder officers made a good bargain, while the younger ones suffered. But is it to be supposed that the senior officers would make a good bargain for themselves, and a bad one for their juniors? Nothing has the effect to produce mutual attachment more than mutual suffering; and these men had suffered together. Would General Wayne or General Smallwood, who began the revolution, and went through it, have done so? I do not believe it. I say, sir, that, with regard to this bill, no man has any claim upon the Government for more than he received: neither these officers nor the militia. But, should I admit their claim, and allow that it was, as the gentleman tells us, founded on equity, will it be urged that a man's claims of this kind don't descend to his heirs? Does the gentleman from New York think so? But every thing was now different. Every thing was turned upside down. It was once supposed that when a man died he paid his last debt, and settled his accounts with the world. But it is not so now.

The history of the revolution, as to the partisan warfare in the Southern country, had never given any idea of the truth. The memory of Sumter and Marion was held in high esteem; but half that they did was never told, except by some old people to the children of the present day. But history don't stoop to the militia. The battle of the Cowpens is almost the only action that figures in the history of the war in the South. But I have a gentleman in my eye who did as gallant a thing in the militia as was ever done by regular troops. Nobody had a greater respect for the

regulars and militia who fought at the Cowpens: but there was another action performed by—[The name of the officer escaped the Reporter, (he thinks it was Col. Tazewell,) as also the location of this battle. Mr. M., at this point of his remarks, directed his speech to another part of the Chamber, and was, consequently, not heard.]—That, he considered, the most important event of the war. There were among the humbler officers many striking examples of bravery and patriotism. There were many others who sacrificed vast fortunes in supporting the cause of the revolution. In the State of New York there were some striking instances of the kind. Governor Clinton was more honored by his actions than by the Vice Presidency; and his stubborn whiggery gave him the strongest hold on the affections of the people.

It was impossible to go into the revolutionary war and make selections of individuals, or do justice to any one set of men. It was utterly impossible. He recollected when Mr. Monroe's bill was introduced in the other House, only four hundred thousand dollars was asked for. The sum has gone on increasing—and it only shows that this thing is like putting your hand to the plough—you never can get off again. You take one step, and you must go on. It is an unpleasant thing to oppose any measure which the Senate thinks founded in justice—but it was his honest opinion that this bill ought not to pass. He should be sorry to hurt the feelings of any one. The bill would have suited him better, had it pointed out how much each grade of officers was to receive. He should then have liked it better, although, even in that form, he should not have voted for it. The sum now put in was in the lump; and he did not know how it was to be divided. As to the sufferings of these officers, other classes of people had suffered equally. He knew instances where individuals had had their houses burnt over twice.

The gentleman from New York said, the other day, a great deal about the glory and honor of the country. But I like some other things much better. For, sir, when I hear of glory and honor, I always think of war and bloodshed. The happiness of the people seems to me much better, and I should be more pleased to see the duty on salt taken off, than increased by a war, in which the country was to gain honor and glory. But the gentleman from New York don't want to see it lessened.

[Mr. M. here made an allusion to John Hancock and Samuel Adams, which was not heard by the Reporter.]

We are told by the gentlemen over the way, (Messrs. WOODBURY, BERRIEN, and HARRISON,) that it is a debt, which this bill is to pay. But I should like to know how, under that argument, they can bring forward their claim, with a receipt in full staring it in the face. And I ask whether this bill is any more a fulfilment of the contract than the commutation act?

Do you propose to pay the full amount of the half pay? No, you give them the old certificates, with interest. Fashions are continually changing. The time is within my memory when we were a free, content, and happy people. We go now for glory and honor, as the gentleman from New York observes. We are told continually that this is a great and growing people. I think we are growing rather too fast. The poverty of the people is never taken into consideration. We count the numbers only. I ask, if this was a claim, why it did not go to the Committee on Claims? What need was there for a Select Committee? It was, I suppose, to give force to the application. The real reason why the commutation act was passed, was that pensions were thought disgraceful. This induced the officers to consent to commute their half pay. He thought the principle of this bill no better than that proposed in the time of Mr. Monroe.

[Mr. BERRIEN here handed Mr. MACON a paper—on which Mr. M. made an acknowledgment of being in error—but in what respect, the Reporter could not hear.]

The gentleman from New York has said that it is a reproach upon the country that this debt has not been paid before. I should like to know who caused this reproach. If we had the wealth of all the world, we could not get rid of it. Do all you can, you cannot satisfy all the claims. You may live to be as old as Methuselah, and you could not do it. Some gentlemen think it could be done with a few millions. But we have enough to do to take care of ourselves. The gentleman also said that the commutation was inadequate—and, in the same breath, he praised the Old Congress, who framed it, in the highest manner.

I'll say no more on that point. We've been told about Shylock doings, &c. What the remark applies to, I don't know. I believe I have said enough to show that it can't apply to the Old Congress. I don't know but it may refer to those who vote against this bill. It must apply to somebody. Really, he did not see how this country could have been more lavish in expenditures. But every means must be taken to increase them. We must fund the public debt, and divide five millions among the States. Next to the army which achieved our independence, those men will deserve the thanks of the nation, who shall wipe the public debt from the records of the country. It had been said that one-third was lost by the funding system. I never heard that fact: for, as soon as the funding system began, there were riders from Philadelphia, and New York, and the eastward, scattered all over the country as thick as ever tin peddlers were, gathering up the paper—which gave a spring to the business, rather than otherwise. There were no post roads then, but people could travel, when their interests were concerned, without them. Will any gentleman lay his hand on his heart, and say that he thinks there was any unfair-

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ness in the funding system? If gentlemen will examine the funding system, they will find that there was a plan to make speculators disgorge their ill-gotten wealth.

I look upon the object of this bill to be to take so much money out of the pockets of the descendants of the soldiers, to pay to these individuals. We are more disposed to help people whom we know, than whom we don't know. We feel more for our neighbors than for indifferent persons. We associate with the officers, and we sympathize with them. But we know nothing of the soldiers. As to the statement that the Maryland line did not agree to the commutation, he believed they accepted it, and that was agreement enough. He had heard much of suffering women. If their husbands did not provide for them, he knew that they had a hard struggle. Women have no political rights, and are necessarily passive sufferers. There were no petitions from women, and no committee appointed on their claims. They sat at home and exercised the virtues of patience and industry. I am not for glory and honor. I go on a different principle. I do right if I can; and, if I do wrong, my people will tell me of it. I wish that equal justice should be done—not give one a silver spoon, and the other a horn one. It was curious to look at the two Houses—one debating on economy, and the other opening roads and canals in every direction.

THURSDAY, February 7.

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The bill for the relief of Susan Decatur and others was taken up, and the question being on filling the first blank in the bill with one hundred thousand dollars—

Mr. HAYNE (Chairman of the Committee on Naval Affairs) said, that, so deep was his conviction of the justice of the claim under consideration, that he could not believe it was necessary for him to do more than present a clear statement of the facts, and to explain the grounds on which the committee had proceeded in reporting this bill. In doing this, said Mr. H., I shall avail myself of the report, which, under the direction of the committee, has been submitted to the Senate; to which I will add such observations as may be necessary to give the Senate a full view of the whole subject. The claim which it is the object of this bill to satisfy, is founded on the recapture and destruction of the frigate *Philadelphia* in the harbor of Tripoli, in the year 1804. I do not think it necessary, Mr. President, to go back to the causes which led to the Tripolitan war. It is well known that depredations on our commerce in the Mediterranean, the demand of tribute, and the capture of American citizens, for whose release a ransom was always demanded, sometimes amounting to \$3,000 a man, compelled the United States at length to appeal to arms for the redress of these griev-

ances. As soon as the war with Tripoli commenced, Commodore Preble was despatched with a small squadron to the Mediterranean to prosecute hostilities; and not long after the arrival of his squadron on the Barbary coast, the frigate *Philadelphia*, of 44 guns, then commanded by Commodore Bainbridge, was stranded on rocks, in a situation which rendered resistance impossible, led to her capture by the enemy, and the imprisonment of her officers and crew, amounting to between three and four hundred men, in one of the dungeons of Tripoli. On the flood tide the frigate was got off, and being taken into the Tripolitan service, was moored in the harbor of Tripoli, "within pistol shot of the whole of the Tripolitan marine, mounting altogether upwards of 100 pieces of heavy cannon, and within the immediate protection of formidable land batteries consisting of 115 pieces of heavy artillery." It is stated that "besides this force, there were encamped at the time, in the city and its vicinity, twenty thousand troops, and that upwards of 1,000 seamen were attached to the fleet in the harbor." In this situation, sir, and while the force of Commodore Preble, originally small, was, by the loss of the *Philadelphia*, so much reduced as to prevent his carrying on his operations against the enemy with any prospect of success, Stephen Decatur, then a very young man, and a junior lieutenant in the fleet, conceived the idea of entering the harbor of Tripoli in the night, with the small schooner *Enterprise*, of 12 guns and about 70 men, which he then commanded, and of boarding and recapturing the frigate. That this scheme originated with Decatur is asserted by the committee in their report; but, as this fact has been questioned, I shall proceed to establish it beyond the possibility of a doubt, if the evidence before us is to be relied on. It is due to the memory of one of the most gallant officers that ever adorned the naval service of this or any other country, that the truth should be put beyond all question; and I know that this act of justice to her lamented husband will be more grateful to the feelings of the petitioner, than any pecuniary grant you could possibly make. I will now refer the Senate to the statements of Commodore Charles Stewart, who served under Commodore Preble, and who, in command of the *Syren*, accompanied Decatur in his expedition against the *Philadelphia*.

Commodore Stewart, in a letter dated December 12th, 1826, addressed to Mrs. Decatur, says:

"You state that your late husband has given you to understand that the project of burning that frigate at her moorings, and thereby remove a serious impediment to the future operations of the squadron against Tripoli, originated with him. This understanding was perfectly correct—it did originate with your late husband, and he first volunteered himself to carry it into effect, and asked the permission of Commodore Preble, off Tripoli, (on first discovering the frigate was lost to the squadron,) to effect it with

the schooner *Enterprise*, then under his command. The Commander-in-Chief thought it too hazardous to be effected in that way, but promised your late husband that the object should be carried into effect on a proper occasion, and that he should be the executive officer when it was done."

In another letter, dated January 5th, 1827, Commodore Stewart says :

"The squadron under the command of Commodore Preble had been detained some time, as they severally arrived at Gibraltar, (with the exception of the frigate *Philadelphia* and the schooner *Vixen*,) to counteract the hostile designs of the Emperor of Morocco. As soon as the Commodore had accomplished his objects in that quarter, he proceeded off Tripoli, in the *Constitution*, accompanied by the schooner *Enterprise*, commanded by your husband. On arriving off Tripoli, where the Commodore expected to find the frigate *Philadelphia* and schooner *Vixen*, blockading that port, he discovered that frigate at moorings in the harbor. It was at this time your late husband proposed to destroy the frigate, with the *Enterprise*, under his command—and at this time, as I stated in my former letter to you, Commodore Preble assured your husband that the frigate should be destroyed, and that he should be the executive officer when done, for his having so handsomely volunteered his efforts to effect it with the schooner *Enterprise*. I give you these facts as I received them from Commodore Preble and your husband, at the time, as well as from several officers then on board the *Constitution*. Some time after this I arrived at Syracuse, in the *Syren* brig, from Algiers, and offered my services for the expedition; which were accepted by Commodore Preble.

"Some time after this, when the expedition was a subject of conversation in the cabin of the *Constitution*, (which was frequently the case, from the extreme urgency on our part to have it effected immediately, and unwillingness on the part of the Commodore to have it executed at so perilous a season of the year, and his reluctance to put any thing to hazard in a force originally so small, but then much reduced by the frigate and her crew,) that letters were received from Capt. Bainbridge, at Tripoli, I think by way of Malta, which were partly written in lemon juice, and which the Commodore read to us, after rendering it legible before the fire. In this letter the practicability of destroying the frigate was strongly urged by Captain Bainbridge, and the mode he pointed out was by a surprise. This despatch fully confirmed all our ideas and previous conversations on that subject, decided the Commodore at once to carry it into effect—which was done soon after, in a manner set forth in his reports, on that subject, to the Secretary of the Navy."

In support of this statement, we have the evidence of the late Captain Spence, and of Commodores Chauncey, Ridgely, Crane, and Rodgers. Capt. Spence says :

"The destruction of the frigate *Philadelphia* is associated with the name of 'Decatur only,' and I had always supposed him to be the projector of the enterprise, from the circumstance of his having been entrusted with its execution. There could be no other good reason assigned for the preference given him, in the presence of older officers. I am under the impression that Commodore Decatur was the

first to suggest the re-capture of the frigate *Philadelphia*."

Commodore Chauncey says :

"I state that I was not in the Mediterranean when the *Philadelphia* was destroyed, but I joined the squadron soon after, and it was generally understood among the officers that the plan for her destruction originated with Decatur; and that the execution of it was, in consequence, entrusted to his management. I acted under this impression when I urged on the then Secretary of the Navy the propriety of promoting the gallant Decatur to the rank of Post Captain."

Captain Ridgely says :

"I have a most distinct recollection of all the circumstances attending the preparation for burning the *Philadelphia*, and I have no hesitation in saying that the whole originated with Commodore Decatur—it was he who suggested to the late Commodore Preble the possibility of the enterprise."

Captain Crane says :

"My recollections are very distinct relative to the recapture of the frigate *Philadelphia*. It has always been my belief that Commodore Decatur planned, as well as executed the enterprise."

Commodore Rodgers says :

"I had always supposed the plan by which the frigate *Philadelphia* was destroyed was projected by Commodore Decatur."

In claiming for Decatur the merit of suggesting the daring scheme which he afterwards so nobly carried into effect, it is not my intention in the smallest degree to detract from the merit of Commodore Preble, who incurred the heavy responsibility of sanctioning the enterprise. The commander of the squadron, in determining to commit to Decatur the conduct of the expedition, was not unmindful of the extreme hazard of the undertaking. He well knew that its success would entirely depend on the celerity, secrecy, and gallantry of its execution; and, conceiving that any attempt to bring out the frigate must be attended with extraordinary hazard to the captors, and possibly expose the vessel to the risk of being re-captured—and believing that the destruction of the *Philadelphia* would sufficiently restore the balance of power to enable him to carry on his operations against Tripoli, successfully—and being, perhaps, moreover, of opinion that the destruction of the frigate, under the very eyes of the Turks, was calculated to make a deeper and more lasting impression on their forces, even than her re-capture, he resolved that she should be destroyed; and, therefore, issued peremptory orders, "that, in case of success, Decatur should be sure to set fire to the gun-room, berths, cook-pit, store-room forward, berths on the berth-deck," and then, after "blowing out her bottom," to abandon her. In looking at these orders of Commodore Preble, I have been forcibly struck with their remarkable tone. In every part of them he uses a language which one here might be supposed

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to use to another, by whom all dangers and difficulties were to be trampled on as nothing. With the utmost precision, he instructs Decatur to proceed to the harbor of Tripoli, to enter it in the night, to board the "Philadelphia," to carry every thing by the sword, and, having caused her entire destruction, to return and report to him! As if the execution of such an order, by a lieutenant and seventy men, in a small ketch, under the fire of several hundred pieces of cannon, was a matter of course! The real state of the Commodore's feelings, however, peep out in the conclusion, when, in spite of his tone of confidence, he commends the little band to the protection of Heaven, and "May God prosper you in the enterprise!"

But, to return to the expedition. Decatur sailed from Syracuse, where the American squadron then lay, on the 3d of February, in a small ketch, of sixty tons, called the *Intrepid*, with about seventy officers and men, all volunteers, accompanied by the schooner *Syren*, commanded by Lieutenant (now Commodore) Stewart, to whom was assigned the duty of supporting him with the boats of the *Syren*, and covering his retreat. After several days of very tempestuous weather, he arrived off the harbor of Tripoli, and, on the night of the 18th, proceeded into the harbor, ran up alongside of the *Philadelphia*, (moored as I have described,) boarded, and carried her, after a short but severe conflict, on the decks of the frigate, in which upwards of twenty Turks were killed on the spot, and the rest driven below or overboard. At this critical period, Lieutenant Decatur found himself in quiet possession of his prize—not a gun had been fired—the alarm had not yet been spread, and it was the opinion of the pilot who conducted the expedition, as well as of several naval officers, acquainted with the circumstances, and (the committee have been assured) of Decatur himself, that the vessel might have been brought out of the harbor in safety; and, if that had been accomplished, the officers and crew of the *Intrepid* would, by the laws of the land, have been entitled to the full value of the frigate, certainly equal to two or three hundred thousand dollars. But the peremptory orders of his commanding officer, prevented the attempt; and having deliberately set fire to the vessel, in the very manner pointed out in his orders, and, having remained on board until the flames "burst out of the port-holes, and had reached the rigging and the tops," he finally abandoned her, bringing off the whole of his crew, under a heavy fire from the batteries and the shipping, without the loss of a single man!

To attempt, Mr. President, a eulogy of an exploit like this, would be a vain and fruitless effort. I must borrow the language of others. A gallant officer, now no more, assures us that it acquired for Decatur the meritorious appellation of "the terror of the foe." In the language of your committee, it was an achievement, the "gallantry of which has very seldom been

equalled, and never surpassed, in the naval history of the world." And, in the official despatches of Commodore Preble, it is declared that "its merit can hardly be sufficiently estimated—it is above all praise." To this, sir, there is nothing to be added.

"But, sir, I must be permitted to dwell, for a moment, on the consequences of this victory, and the benefits which the country has derived from it. The Tripolitan war of 1804 has always been considered as having contributed largely in laying the foundation of the naval glory of this country. It kindled that spirit among our young naval men, which has, on every occasion, blazed forth with so much lustre. It elevated the American naval character in the eyes of foreign nations, and inspired among our officers that confidence in themselves, which, at the commencement of the late war, (when it was feared that our ships would, in a few months, be absolutely swept from the ocean,) enabled them to meet the enemy in equal fight, and to achieve so many proud victories on the ocean and the lakes. From that dark hour when Decatur, in a small ketch, with sixty men, illuminated the Castle of Tripoli with the blaze of the *Philadelphia*, the whole career of our Navy (with but a single exception) has been a series of daring enterprises and brilliant achievements. Its path has been a flood of glory. But it is in the effects of the destruction of the *Philadelphia* upon the Turks, that I would at this time more especially insist upon. It is emphatically stated by the committee, and no doubt justly, that it is to the profound impression produced by this and other exploits in the Tripolitan war, (especially the affair of the gun-boat, in which Decatur was again so proudly distinguished,) that the commerce of this country is indebted for a greater exemption from depredations, on the part of Turkish cruisers, than has been experienced by any other nation, and that when difficulties have occurred, they have been adjusted with unexampled celerity, and at an expense of blood and treasure altogether insignificant, compared with that to which, under similar circumstances, the greatest maritime powers of Europe have been subjected. In illustration of the truth of this position, and to show how largely the destruction of the *Philadelphia* contributed to produce these results, I beg leave to refer to one or two facts. It is stated by Dr. Ridgely, formerly surgeon of the *Philadelphia*, in a document, on the table of every Senator, that

"He has a distinct and indelible impression of the leading events of his imprisonment. The Pacha and his court did not attempt to conceal their exultation on the capture of the frigate *Philadelphia*. It was a jubilee in Tripoli. So extravagant were his calculations, that he would not listen to any proposal of peace and ransom for a less sum than one million of dollars. In this condition of affairs, it would have been impolitic to have opened a negotiation. It would have been regarded as an evidence of fear



and imbecility. This tone of confidence and triumph continued, until the daring enterprise, led on by your gallant and lamented husband, illuminated his castle with the blaze of his trophy. The sensation produced by the achievement was indescribable—consternation and dismay were depicted on every face. But the best evidence of its impression was the frequent conferences of the Pacha with the consuls, his undisguised desire to make peace, and his proposition to that effect, on terms much more moderate—I think two hundred thousand dollars. The terror inspired by the re-capture and conflagration, (increased by the attack of the gun-boats, on the third of August, 1804,) was felt during the war, and its influence was acknowledged when the treaty of peace was signed."

Such were the immediate effects of this exploit. But they ceased not with the war—we no longer pay tribute. Our seamen and our ships in the Mediterranean have, for upwards of twenty years, enjoyed as much freedom among the "licensed pirates" of the Mediterranean, as on our own coasts. Until the war with Great Britain, I believe no depredations on our commerce, of any consequence, had been committed by any of the Barbary Powers. Being thus led to believe that our ships would necessarily be annihilated in that contest, our rights were violated by Algiers, Tripoli, and Tunis. The moment peace was made with England, our Government determined promptly to redress these wrongs, and Decatur was despatched for that purpose, with three frigates, one sloop, one brig, and three schooners. His was but the van of a larger squadron destined for that service. But, sir, his name alone accomplished the object at once, almost without cost, and without bloodshed. Sir, it is almost incredible, it is a fact, unparalleled in the annals of warfare, that in fifty days after the squadron sailed from Sandy Hook, a treaty was signed between Algiers and the United States, which included indemnity for the past and security for the future. In that short space of time, Decatur "had cruised in the Mediterranean, fought and captured a Turkish frigate and some smaller vessels, killed the Algerine Admiral, sailed into the harbor of Algiers, and ratified a treaty at the cannon's mouth." From Algiers he proceeded to Tunis, and insisted on and instantly obtained payment for American property, (to the value of near 50,000 dollars,) which had been cut out of that harbor by the British. From Tunis he passed on to Tripoli, and there effected a settlement of all our differences, with the same celerity and ease. To show that in the extraordinary success which attended these operations, Decatur was aided by the impression of his own great name and his former exploits, I will read a few lines from the statement of a gentleman, then American Consul at Tunis, who tells us "he was on the spot at the time, and perceived the effect of that influence." He thus describes the interview between the Bey and the messenger of the Commodore:

"Tell your Admiral to come ashore and see me," said the Bey. "He declines coming, your highness, until these disputes are settled, which are best done on board ship." "But this is not treating me with becoming dignity; Hamuda Pacha, of blessed memory, commanded them to land and await at the palace until he pleased to receive them." "Very likely, your highness, but that was twenty years ago." "This Admiral is the same one who, in the war with Sadi Yusef, of Trablus, burnt the frigate?" "The same." "Hum! why do they send wild young men to treat for peace with old Powers? then you Americans don't speak truth; you went to war with England, a nation with a great fleet, and said you took their frigates in equal fight; an honest people always speak truth." "Well, sir, and that was true. Do you see that tall ship in the bay, with a blue flag, (the *Guerriere*?) that was taken from the British; that one near the small island, (the *Macedonian*,) was also captured on equal terms; that sloop near Cape Carthage, (the *Peacock*,) was also taken in battle." The Bey laid down his telescope, reposed on his cushions, and with a small tortoise-shell comb, set with diamonds, combed his beard.

A small vessel got under weigh, and came near the batteries; a pinnace with a few men rowed about the harbor, and one person, dressed in the garb of a sailor, was taking soundings—it was Decatur. "Tell the Admiral to land," said the Bey, "and all shall be settled to his satisfaction," which was done.

The rapidity and success with which Decatur brought to a conclusion our differences with three of the Barbary States, forms a striking contrast with the difficulties experienced almost immediately afterwards by Great Britain, and Holland, and more recently by France, in settling their disputes with one of them. Not many months after Decatur had concluded his treaty with Tripoli, Lord Exmouth, in command of the combined British and Dutch fleets, endeavored to accomplish the same thing, and what was the result? With a force consisting of five ships of the line, eleven frigates, and a great number of smaller vessels, he was hardly able, after a most bloody battle, (in which he lost 150 men killed, and had 700 wounded,) to extort a peace, on terms less advantageous than those which Decatur had obtained in a few hours, "without the sacrifice of a single life, or the loss of a spar or a rope." And even now, while I am speaking, a powerful French fleet, which has been engaged for months in vain attempts to extort peace from the same nation, has nothing to boast of but a single drawn battle. It has been remarked, sir, by one of our most distinguished citizens, "that the greatest statesmen of the last war were the heroes of our army and navy," and I think I may add that they have proved themselves, on more than one occasion, our ablest negotiators.

Without dwelling longer on this topic, I will come directly to the inquiry, whether any, and if any, what pecuniary reward is now due to the captors of the *Philadelphia*? On this branch of the subject, sir, I adopt as my own the views of the committee. At the time of

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[SENATE.]

the capture of the *Philadelphia*, the navy was young, and it was the opinion of many, even of our wisest statesmen, that it was not the true policy of the United States to strengthen this arm of the national defence. The system which has since been introduced, and which seems now to unite all suffrages in its favor, had not yet been established, and appropriate rewards for distinguished services had not been provided. Congress, therefore, though appreciating very highly the valor and good conduct of Decatur, and his gallant associates, contented themselves with bestowing mere honorary rewards, unless it can be considered as an exception to the remark, that they devoted two months' pay to the officers and men; which, it is understood, the former unanimously declined to receive. When, at a later period, however, the people of the United States came to feel and acknowledge the importance of a navy to the national defence—when our officers and men were every day covering themselves and their country with glory, a better and more liberal spirit sprung up, and was cherished, towards this long-neglected department of the public service. Prior to the capture of the *Guerriere* by the Constitution, we believe, no case had occurred in which a pecuniary reward, for a naval victory, had been paid out of the public treasury. A share in the thing captured was all that the laws or usages of the country allowed: and, if that perished in the conflict, the victors went without their reward. When, however, the navy had fought itself into favor, and our naval heroes came to be regarded with the gratitude and affection which could no longer be withheld, the rule was adopted of paying, out of the public purse, for vessels destroyed in battle; and the principle is now settled, from the uniform practice of the Government, for fourteen years, that a reasonable compensation is to be allowed for vessels sunk in battle, or necessarily destroyed in consequence of injuries received in the conflict. Conceiving, therefore, that it is the established policy and settled practice of the Government, to allow compensation in all such cases, though they do not come within the provisions of the prize acts, the question now presents itself, whether the same liberal principle ought not to be extended to the case of the *Philadelphia*, and whether compensation is not as justly due to the captors of that vessel as to the captors of the *Guerriere* and the *Java*, or of the gun-boat destroyed on Lake Ontario? On this point, the committee were clearly and unanimously of opinion, that both justice and policy concur in support of the claim. Where all the facts are notorious, and the merit of the claimants is confessedly of the highest order, the Government ought not to avail itself of the mere lapse of time; nor can I conceive any sound reason why a rule, founded on justice and enlarged principles of public policy, should not be extended to those who have achieved signal vic-

tories, before as well as after its adoption. I come to the conclusion, therefore, with great confidence, and I know the Senate will concur with me, that a reasonable compensation ought now to be granted to the captors of the *Philadelphia*.

I proceed next to consider the amount which ought to be granted. On this point I propose to look to precedents, all of which are collected and annexed to the report of the committee. On examining these, it will be seen, that the amount granted by Congress, for vessels burnt, or destroyed in battle, varied from one-fourth to the full value of the vessel so destroyed. In the cases of the *Java* and *Guerriere*, about one-fourth was allowed, but in the case of the British sloop-of-war *Hermes*, destroyed in the attack on Fort Bowyer, her full value was paid to the garrison. Without examining all of the precedents, there is one to which I will call the particular attention of the Senate. During the operations on Lake Ontario, carried on by Commodore Chauncey, a British gun-boat, called the *Black Snake*, was destroyed by two barges, under the command of Lieut. Gregory. For this exploit no reward was ever claimed by the gallant officer who achieved it. But some years afterwards, one of the persons concerned in that affair, came here and presented a claim to Congress. The subject was referred to a committee, of which a distinguished Senator from Massachusetts (no longer a member of this House) was chairman, and of which I had the honor to be a member. The subject was fully investigated; all the precedents examined, and a bill reported providing for the payment of three thousand dollars, which was certified by Commodore Chauncey to be the full value of the gun-boat, to Lieutenant Gregory and his party. Here, then, it will be perceived that, if Congress at the commencement of the war found itself constrained, by the pecuniary embarrassments of the country, to grant to the captors of the *Guerriere* and the *Java* only one-fourth part of the value of the vessel destroyed—after the conclusion of peace, in a more prosperous condition of the country and of the treasury, they have not hesitated to grant the full value. Viewing the subject in all its bearings; taking into consideration the extraordinary merit of the achievement; the delay which has taken place in granting compensation; and the small number of persons engaged in the enterprise; it has seemed to the committee that one hundred thousand dollars would be a reasonable sum to be now granted to the captors of the *Philadelphia*. The only remaining point to be considered is, the proper distribution of that amount. On this branch of the subject, the committee have experienced some embarrassment. The case does not, in this respect, come within either the letter or the spirit of the prize act. That act provides for the distribution of the proceeds of vessels captured and condemned. Where vessels have been destroyed, the captors

can only be compensated by virtue of special acts of Congress, and under such provisions as may be adapted to the peculiar circumstances of each particular case. The mode of distribution prescribed by the prize act, is most obviously applicable only to a full crew. In regulating the proportions of prize-money which the captain, a midshipman, and a common sailor should receive in a frigate of 44 guns, it is manifest that the calculation must be founded on the idea, that there would be a certain number of midshipmen, as well as of sailors, on board of such a ship: for, otherwise, if there were but one midshipman, for instance, he might receive more than his commander. From this view of the subject, it is clear that a rule of distribution properly applicable to a full crew, cannot be justly applied to a skeleton crew, filling up none of the classes arranged in the prize act. The capture of a frigate of the largest class, by a lieutenant and 70 men, in a small ketch, is so out of the usual course, and so contrary to all reasonable calculation, that the very existence of such an extraordinary case seems to produce the necessity of providing a new rule for the case itself; and, in the present instance, this can be the more readily done, as the proposed grant is not founded on the law, but, resting entirely on the liberality, may be regulated by the sound discretion, of Congress. After looking carefully into the subject, and consulting experienced naval officers, the committee could not discover any more equitable rule of distribution than that recommended by the Navy Commissioners, viz: that, after reserving for the commanding officer of the squadron one-twentieth of the whole sum, the residue be divided among the officers and men in the same relative proportions which each would receive if the crew of the *Intrepid* had consisted of the same number as that of the frigate *Philadelphia* at the time of her capture by the *Tripolitans*.

Mr. H., in conclusion, said that the bill before the Senate was prepared in conformity with the views he had submitted to the Senate, and he expressed an earnest hope that the country would this day pay in part that debt of gratitude so justly due to the captors of the *Philadelphia*, and which had remained so long, not only unsatisfied, but almost unacknowledged.

The motion to re-commit was rejected by the following vote:

YEAS.—Messrs. Bateman, Bell, Berrien, Chambers, Chandler, Chase, Cobb, Eaton, Knight, Macon, Noble, Ruggles, Thomas, Tyler, Williams—15.

NAYS.—Messrs. Barnard, Barton, Benton, Boulligny, Branch, Dickerson, Ellis, Foot, Harrison, Hayne, Hendricks, Johnson of Kentucky, Johnston of Louisiana, Kane, King, McKinley, McLane, Parria, Robbins, Rowan, Ridgely, Seymour, Silsbee, Smith of Maryland, Smith of South Carolina, Tazewell, Van Buren, White, Willey, Woodbury—30.

The question was taken on the motion of

Mr. HAYNE, for filling the several blanks of the bill, and it was agreed to.

Mr. SMITH, of South Carolina, offered the following proviso to the bill—which was agreed to:

*Provided, That the Accounting Officers shall in no instance pay over any portion of the moneys herein appropriated to any other person or persons whomsoever, the distributive share due to the proper persons herein provided for, to any other person or persons whomsoever, than to him, her, or them, for whom it is appropriated, or to his, her, or their legal representative or representatives, first fully ascertained to be such by the said accounting officers. Nor shall any contract, bargain, or sale, of any such distributive share to any other person or persons be in anywise obligatory on the vender, but shall be held to be null and void, to all intents and purposes.*

MONDAY, February 11.

*Captors of the Philadelphia.*

[The bill for the relief of Mrs. Susan Decatur and others, was taken up.

The bill was read a third time, and finally passed, and sent to the House.]

*Powers of the Vice President—Right to Call a Senator to Order—Right of the Senator to Appeal.*

On motion of Mr. RIDGELY, the Senate proceeded to the consideration of the report of the committee appointed to revise the rules of the Senate; when the amendments reported by the committee were severally read and agreed to.

Mr. TAZEWELL rose to inquire of the chairman of the committee, whether the 6th and 7th rules had been considered, and whether the committee proposed any alteration in them. Mr. T. referred to a decision made in relation to those rules by the Vice President two years ago. Mr. T. thought then, and still thought, that the decision of the Vice President was correct. The Vice President, in his opinion, had not the power to call a Senator to order for words spoken in debate—it was a power that ought not to be given him.

Mr. RIDGELY, in reply, stated that these rules (the 6th and 7th) had been considered by the committee, who were of opinion that no alteration in them was necessary or expedient, and that the decision under them of the Vice President, alluded to by the Senator from Virginia, was substantially correct.

Mr. KING, a member of the committee, made an explanation similar to that of Mr. RIDGELY. He had no doubt, in his own mind, that the decision of the President, just alluded to, was a correct one. There was one member of the committee, however, who differed in opinion with the majority in regard to these rules, and who had proposed an alteration of them. He was, however, overruled by the decision of

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the other members of the committee, who thought it best that the rules should remain as they were.

Mr. Foor declared himself to be the member of the committee alluded to, who had proposed the amendment to the 6th rule; and after being called upon in this manner, he felt himself bound to propose the same amendment for the consideration of the Senate; and should assign the reasons which induced him to offer that amendment in the committee, and which he now felt it his duty to urge before the Senate, in favor of its adoption. Sir, the Senator from Alabama has stated very correctly the proceedings of the committee on the subject. The rules of the Senate are few in number, embracing only the cases in which the Senate have thought proper to depart from the rules of proceeding in Jefferson's Manual, which appears to have been adopted by consent, as their guide in all their deliberations. The 6th and 7th rules of the Senate, by the construction given by the present presiding officer, have put it entirely out of the power of any person to call a Senator to order for words spoken, until the Senator shall have finished his speech. For, if the presiding officer has not the power, it exists in no one; for, in Jefferson's Manual it is laid down explicitly, that "Offensive words are not to be noticed until the member has finished his speech, then they are to be written down." It appears from this, that these rules, instead of facilitating the business, are only calculated to produce embarrassment; and it is very evident that such has been their operation in relation to the case to which the Senator from Virginia (Mr. TAZEWELL) has alluded. And, sir, in my opinion, the rules should either be amended so as to recognize in the President the power to call to order, or that they should be expunged, and leave the Manual for our guide; for, under that rule, it is made the duty of the presiding officer to call to order: for, in speaking of offensive words in debate, he says, "such proceedings Mr. Speaker ought to suppress." It would seem from the 6th rule, as if it was not contemplated that the President should call to order for words spoken, because the member is required to take his seat until the President decides whether he is in or out of order. And if called to order by the President, it would seem unnecessary that he should take his seat to allow time for the President to decide; for the call to order would of course be a decision of the first instance.

Mr. MACON said that he thought the President ought not call to order. He should sit in his seat to decide between the members, and he ought to be pure and unbiassed, like a judge upon the bench. Or, said Mr. M., suppose that he improperly calls to order, to whom are you to appeal? He is to decide; therefore, he ought to keep aloof from the cause of complaint, and not be the originator of the call, so as to judge impartially between

the opposite parties. He had rather have it so, than alter it.

Mr. KING here read the 6th and 7th rules, and commented on the effect of the amendment as proposed by Mr. Foor. If you give, said Mr. K., this power to the Vice President, you clothe him with the most tremendous and dangerous power; a power no less than that of putting an end to debate; to gag a member when the course of debate is not consonant to his wishes or his feelings. He would suppose that the Vice President was connected, either by interest or by inclination, with those in the administration of the Government, he would then have the power to put a member down the moment he discussed a subject that he did not wish to go abroad to the people—a power which, if he chose to exercise it, would make him the veriest tyrant in existence. It is not necessary, said Mr. K., to enable us to carry on the business of the Senate with regularity and decorum, to give any such power. He had no idea of subjecting the freedom of debate to the control of any one individual. Whatever confidence he might have in the present presiding officer, still the time might arrive when this power, if now given, would be found in dangerous hands. He hoped the amendment would not prevail. He repeated, he had every confidence in the impartiality and correctness of the decisions of the present presiding officer, but he wished to guard against any possible contingency.

Mr. DICKERSON said it was certain that any member of the Senate had a right to call another to order for words spoken in debate, however inoffensive those words might be; and he considered it equally certain that the president might call to order for words spoken in debate, when those words might be an outrage upon the decorum of the Senate. It is the duty of the presiding officer to preserve order. The power to do this must be an inherent one, without which, the duty could not be performed, and the officer could not preside. He has, and must have, so much power as to preserve decorum in the Senate, that the business may proceed without interruption. Two years ago, when two Senators, by the violence of their remarks upon each other, totally interrupted the business of the Senate, they were called to order by a third Senator, who was directed to reduce the words to writing; this he refused to do, as it was no concern of his.

Mr. VAN BUREN said that he did not conceive that the office conferred the right to call to order. If the powers of the Vice President were derived from the constitution, as nobody doubted, he knew of no sanction to that power, either in cases of irrelevancy or impropriety of speech. The only express power granted by the constitution, was that of giving the casting vote. This amendment went to give him another power not contemplated by the constitution. On the contrary, the constitution has given the right to the two Houses to

make rules for the government of their own members, and for the direction of their presiding officers. He thought the power a dangerous one to place in the hands of the Vice President. It was never tolerated, and it was never intended to be, that a member should be put down because of the manner in which he chose to present his views or defend his principles. Yet this might happen, under the discretion which would be given by this amendment. As to the individuals of the Senate, he could not believe that the time would ever come, when they would be so forgetful of their own dignity, and that of the body, as not to call to order any member who should overstep the bounds of decorum. He was satisfied with the rule as it was; and was, therefore, opposed to the amendment.

Mr. BENTON was opposed to the accumulation of unnecessary power in irresponsible hands, and of that character he conceived the present motion to be. Every Senator had now the right to call to order, and certainly forty-seven Senators were enough to watch one. It could not be necessary to increase the number to forty-eight, by adding the Vice President, who is in no way responsible to us. We do not elect him, and we cannot displace him, except by an impeachment, which must be instituted in the other House. Nor is it safe to vest the power of restraining debates in an officer like him, not concerned in the debate, and not responsible to us for the exercise of his power. He may abuse this power, and we are without remedy. The power of stopping a member in debate—of making him sit down and proceed in another manner, or not proceed at all, is a power of high import. The feelings of the Senator may be deeply wounded by it, but that is a trifle compared with the injury which may be done to his constituents. A debate, vital to their liberties, might be stopped and terminated, under the pretence of confining the Speaker to a particular question; and the injury would be without remedy. The Vice President holds his office independent of the will of the body over which he presides, and in that respect differs from the Speaker of the House of Representatives, and all other presiding officers to which he has been likened. The Speaker of the House of Representatives is responsible to the body over which he presides. They make, and they can unmake him, and he is vested with powers by the rules of the House, which the Senate have never conferred upon the President of this body. But the principle involved in this question has already been decided upon, and acted on for two years; I allude to the appointment of committees taken away from the President of this body because he was not responsible to us, and retained in our own hands, although it was universally acknowledged that the power had been well exercised. The admission is general, if not unanimous, that you, sir, had exercised this power discreetly and unexceptionably—

no objection was taken to your conduct—it was conceded all round that it was a power of a nature to be better exercised by a presiding officer than by the Senate at large; but, because you were not one of us, not created by us, nor responsible to us, this power was taken out of your hands. I see no difference in the principle of the two cases, and there shall be no difference in my conduct upon them. I voted to take the appointing power over committees out of your hands, because you were not one of us, and I oppose your right to stop me in debate, for a real or supposed latitude of expression, for the same reason.

Allusion has been made, sir, to past scenes in this chamber, when a Senator, not now a member of this body—one whom, I am proud to say, honors me with the name of friend, (Mr. RANDOLPH,)—has been supposed to transcend the freedom of debate, and you, sir, were censured for permitting it. According to the opinion which you then expressed, and which I concur in, you had no power to call to order for that cause, and the present motion goes upon that idea, otherwise it would not be necessary now to confer this power. That you were right in your decision, is strongly to be inferred, from the fact, that of forty-seven Senators having the undoubted right to call to order on these occasions, no one did it; and if those, whose rights were unquestionable, did not act, it certainly was excusable in you, whose authority was at least doubtful, to follow their example. One thing is certain; if you erred, you erred on the side of liberty, not of authority; and the rarity of these kind of errors, by those in power, should give them a claim to our respect, when they do occur. But I do not admit there was an error, nor do I rest the vindication of my friend upon presumptuous inferences derivable from our own conduct. I take higher ground, and say that nothing which we have ever heard from that gentleman on this floor, in reference to our President and his Secretaries, exceeded in severity and violence what is said with impunity in the British Parliament, by commoners as well as peers, of their king and his ministers.

I have some acquaintance with the debates of the British Parliament—not so much as I ought to have—but enough to bear me out in the assertion, that the king and his ministers have been often animadverted upon, in both Houses of Parliament, with a degree of severity which the gentleman alluded to never transcended on this floor, in any thing which he said of our President and his Ministers. I speak of what has occurred in the British Parliament in times of order and subordination, when the Speakers were men of the first weight and dignity of character, and when no one called them to order; and I must be permitted to say, that it argues badly for the spirit of the times in our country, that it is an evil omen for our republican institutions, if American

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Senators cannot be as free with their President and Secretaries, as British subjects may be with their monarch and his prime ministers. But this reproach, sir, does not lie at your door. By your decision, you prevented the stain from sticking to your skirts. That you were right, I then believed, and still believe. Even upon a critical construction of our own rules, leaving out the enlarged considerations which governed you, your decision will stand the test of the severest scrutiny. Those rules only give you a power to decide after the question of order is raised and placed before you. When a member is called to order, his words shall be taken down in writing, and the President shall decide. This is the rule. Now why reduce to writing, except to inform the President of the words excepted to? And why inform him, if he already knows them? And why make another decision, if he had already decided in the fact of calling to order? The words and the spirit of the rule go upon the idea, that one member is to accuse another of disorder, and that you, as a disinterested and impartial arbiter, are to decide between them. This is unfavorable to the spirit of our institution, which forever separates the function of the judge and accuser, and so may they remain on this floor as everywhere else.

Mr. SMITH, of Maryland, said it was the duty of the Vice President, as presiding officer of the Senate, to decide agreeably to such rules and regulations as shall have been made for his guidance. In the House of Representatives the presiding officer had the power of calling a member to order "for words spoken," because he was one of their own body, elected by themselves to preside over them, and amenable to their authority. If his decisions are unsatisfactory, they can refuse to re-elect him—but we, sir, have no such power. Our presiding officer is not elected by us—he is sent here by the people of the United States, and totally independent of us. Mr. S. was not willing to vest either the Vice President or President *pro tem.* with the power to stop debate. It is a tremendous power—I have felt it, sir, and never shall forget it. On a certain occasion, in the other House, a report was presented from one of the Secretaries, which animadverted very severely on Mr. Gerry. I undertook to animadvert on the report, and was called to order. Unconscious that I had travelled out of the record, I proceeded, and was three times called to order. I then inquired why I was considered to be out of order?—and was told, by the Speaker, that the report upon which I had animadverted must not be considered the report of the Secretary, but of the President of the United States. That I could not proceed: for, before the discussion commenced, I had been called out of my seat, and told, by a person high in office, that the President requested that the report might not be considered as his, but as the report of the Secretary of State. Mr. President, I am unwilling to be

placed in this body, differently constituted as it is from the other, in such a situation as I then was, to be stopped in the course of my argument. There were high party times then, and high party times may come again, and whenever they do, similar outrage may (with such a power) be committed. And where will be the remedy? Gentlemen say, in the appeal from the decision of the President. An appeal! My experience has taught me to know that an appeal is not worth a button. The majority will always support the Chair, right or wrong. An appeal was taken in the case I have mentioned, and the majority voted with the Speaker, and always will. An appeal from the Chair is *vox et preterea nihil*. I would rather be without the appeal.

Mr. McLANE commenced his remarks with an apology for obtruding his sentiments upon the Senate, in which he had so recently taken his seat, on a subject relating to their rules and orders. The amendment appeared to him directly to involve the power of the Vice President to call a Senator to order, and prevent him from speaking, for words spoken in debate. He had considered that subject, and was of opinion that the Vice President did not possess such power, independent of or according to the existing rules of the Senate, and was unwilling to confer such power by any alteration of the rules. The amendment, by its terms, concedes, and the mover, with a commendable spirit of candor, admits that, by the existing rules, the power in question cannot be exercised by the Vice President; and so far as this admission may be entitled to weight, it would place the proposed change on grounds of expediency merely; but the argument of gentlemen had taken a wider scope, had asserted bolder claims to power, and had invested the Vice President with authority to stop a Senator in debate, and arrest discussion for the use of words which he might deem irrelevant or disorderly.

A power of such magnitude, so vital to the dearest privileges of the members of this body, has been supposed, by at least one Senator, inherent in the Vice President, as incident to his office as presiding officer of the Senate under the constitution, or derived from the rules contained in Mr. Jefferson's "Manual of Parliamentary Practice." He denied these assertions altogether, which he considered dangerous in principle, and thought it perfectly plain, that the law of the English Parliament could have no force on the proceedings of the Senate, much less that they could control the privilege of debate.

That the Vice President was not a member of the Senate; that he was placed here, not by the body itself, but by the people of the United States, under the constitution, which, by specifying certain of his powers and limiting their extent, by a fair implication excluded all others, had already been sufficiently adverted to. He would press them no farther than to re-

mark, that it thence appeared to him perfectly clear that the constitution could not have designed to subject the Senate to the administration of an officer, without other rule than his arbitrary will, and irresponsible to those who might become the objects of his oppression. It might be fairly presumed, he said, if it had not been expressly provided, that an authority thus conferred would be liable to the regulation of those on whom it was to be exerted.

The doctrine of inherent or incidental power, Mr. McL. said, was everywhere the offspring of urgent necessity, and belonged to no functions in this Government, unless indispensable to its existence. In regard to the right in question, there certainly could be no pretence for such necessity.

If the Vice President possessed the power as incident to his office, it would be the gift of the constitution, and as such transcend the authority of the Senate. There could be no limit to such power, but the arbitrary will of the presiding officer. The Senate could subject it to no control; they could neither prescribe rules of order, nor the circumstances under which their debates might be interrupted; and would thus be subjected to a dominion which he believed no gentleman had seriously contemplated.

Of the privileges of the Senate, that of freely discussing the various subjects of their deliberations was the dearest, intimately interwoven with the structure of that body. He considered the freedom of speech here, as sacred as that of the press elsewhere; and if the combined power of Congress and the Executive be incompetent, as he believed it was, to abridge the freedom of either, beyond these walls, he could not admit a power incident to the Vice President to regulate the former on this floor. He could conceive of no right more clearly incident to the Senate, than that of free discussion, without which its deliberations could not be properly conducted. He thought it constituted an important part of the proceedings of the Senate, which they possessed the exclusive power of regulating by their own rules.

The Constitution of the United States, establishing the Legislature for the Union, authorized "each House to determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, to expel a member."

In this provision, Mr. McL. said, was contained the whole parliamentary power over the subject of order—that of prescribing rules, and of enforcing obedience. It was absolute and unlimited, and could not consist with the existence of a similar power elsewhere. It relieved the Senate from any other rule than that emanating from its own will.

Mr. SMITH, of South Carolina, said that he should not have thought of offering the amendment now under consideration; but, while the rules were under discussion, he thought it best

to make them as perfect as possible. At present all things were tranquil; but the peace and harmony of the country might not always remain, and it was desirable that all measures should be taken to preserve it. If the question involved in this amendment had already gone forth among the people, and caused some commotion, it was high time that it should be finally settled. He had always considered it the right *ex vi termini* of the President to quell all disorders of whatever description.

The question was, whether it should not be the right of the President to call to order, giving the privilege to any member to call for a revision of the decision by the Senate. It was a rule of the Senate for thirty-five years, for the President to call to order, and he, himself, had been the subject of it. He had been called to order by his late venerable friend Mr. Gailard. He had appealed to the Senate to say whether he was out of order, and the decision was, that there could be no appeal. It seemed to be assumed by some gentlemen, that they were going to place a tyrant in the chair, and that against his lawless rule it was necessary to provide. This did not produce any effect on his mind. While a Vice President was in the chair he had no fear. While the presiding officer of the Senate was one in whom the people had confidence, and who reached his elevation legally, he saw no cause of apprehension. In the House of Representatives, the members or the Chair have the right to call to order. If it did not exist in the office of Vice President, the Senate had the right to give it to him; and he was in favor of doing so. As to the supposition that the Vice President was not a member of the Senate, he did not believe the position could be maintained, as he was firmly of the opinion that he was made part of the body by the constitution. It was true that all the powers formerly exercised by the Chair had not been considered inalienable. For instance, the manner of nominating committees had been changed several times, and at present that duty was transferred to the Senate itself. But there were other powers which were entirely incidental to the Chair, and could be vested nowhere else. A gentleman gets up, and makes a certain proposition. Does not the Chair tell him he is out of order? This is done every day. When two members rose also at the same time, power was given to the presiding officer to say whose turn it was to speak first. If the principle now attempted to be established were correctly founded, why should this power pertain entirely to the presiding officer? Why should not one of the forty-eight members do this? It would be idle to argue in this way; and it was, Mr. S. considered, strong proof that the Vice President had all the powers incidental to his situation. If they looked even to ordinary societies, they should find that they elected their President, who, by the election, was invested with all necessary powers for directing the business of the meetings. He be-

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comes at once the judge of what is to be done, and the director of the mode in which it shall be done. I, for one, said Mr. S., am for giving power to the Chair, if there is any serious doubt of his possessing it. I think there is no danger in giving him such a power. If two members were to quarrel across the house, would the Chair decline interfering? Or, suppose that a Senator were to go at length into the consideration of a subject entirely foreign to the question in hand, and talk of the Army or the Navy when the question of the proper location of a road was before the Senate? or discuss the expediency of an appropriation, when no appropriation was contemplated? Would the Chair sit silent and permit this irrelevancy? Certainly not. If he did, an individual might talk here a whole day, and arrive at nothing. There were rules, the enforcement of which could not be taken from the Chair without making the Senate a mere nullity. It would be, in fact, throwing a new and inconvenient duty into the hands of the members, by setting them to watch over and administer the rules, which, in reality, belongs to the President.

Mr. McKINLEY looked upon all objections to the amendment as having a bearing upon the constitutional question. It had been said that the Vice President was not a member of this body. If this declaration were modified so as to be that he was not a Senator, he would agree to it. But he maintained that he was a member. The argument appears to be grounded on the fact that the Senate does not elect him. We complain that we do not elect him—that he is not a member—but against whom do we complain? Against the people of the United States. They elect him; and they, by the constitution, declare that he shall preside over the deliberations of the Senate. I say, then, said Mr. McK., it is the Vice President to whom the powers naturally belonging to a presiding officer shall be accorded. Who is to do the duty but him? Who else should preserve order, so necessary to the effectual performance of the duties of Senators? It had been said that he possessed no inherent power. I do not, said Mr. McK., understand the term. He was not aware that any officer of Government possessed inherent power; he rather thought all powers under the constitution were delegated. He would ask in what the difference consisted between the duties of the Speaker of the House of Representatives and the President of this body? He did not see the great distinction that had been imagined. But the great objection was, that the Vice President not being responsible to this body, we cannot expel him in case of misconduct. But again, I ask, whose fault is it that we are so restricted? And again, I answer, that of the people and the constitution. And are we to fly in the face of the constitution, and say that, because the presiding officer is elected differently, we will not give him the power necessary for the

proper performance of his duties? Order must be preserved by some one; and it is preserved by the Vice President in the Senate, under a clause in the constitution. It was surely not the particular duty of a member to call another to order. He is the interested person, and ought to be free from all interference in the duty. There should be an authority above him to judge coolly of the propriety of the procedure. He wished to know whether there was not a general rule in every deliberative body for this purpose? Where did the discretion rest, but in the hands of the presiding officer? The Vice President is a member of this body; he has a modified influence in making of all laws, as he has the casting vote, and can approve or negative every measure. Was it not proper that the power should be delegated to the Vice President, from the forty-eight Senators, to preserve order? He thought there could be no question of the expediency of this measure; and under this impression was in favor of the amendment.

Mr. TAZEWELL said: I am happy to hear from the Senator from Alabama, that he admits the right of the Senate, and of each and every member of this body, to exercise the power which the amendment proposes to confer upon the Chair. The difference of opinion between this honorable Senator and myself, in relation to this subject, is then reduced to a very narrow space indeed. He admits the right of the Senate, and of each of its members; and denies that the presiding officer of this body enjoys this right at present. He thinks it expedient, however, that this officer should possess such a power, because it is not the special duty of any particular Senator to exercise the right which confessedly belongs to him. And thinking so, the Senator from Alabama is willing to grant such a power to the Chair, provided it is limited and restricted as the amendment proposes. I concur in the greater part of this opinion, although not for the reason assigned by this honorable Senator. To me it has always appeared, that the rights of public agents of all kinds, were bestowed upon them, not for their own, but for the public good; and therefore, that all such rights conferred, were in truth but duties imposed. Being duties, we have not the right to abandon their discharge, while we retain the station to which such duties attach: but we are bound to meet the responsibility they impose, without seeking to transfer the duty, and with it the responsibility, to any other. As, however, it is unquestionably within the competency of the Senate to do this act, and as some trifling convenience may possibly result from it, (limited as it is proposed to make the power granted,) I should have been quite indifferent as to the fate of this amendment, but for arguments of a very different kind from those urged by the Senator from Alabama, which have been offered in its support, by our Senators, who have declared their purpose to vote with him in its favor. To such arguments I can never yield



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even the assent of silence; and it is rather to contest their correctness and truth, than to oppose the amendment offered, that I have risen to address the Senate.

Mr. HAYNE said there was but one question connected with this subject, which involved principle, or was in any degree material, and that was, whether the Vice President of the United States, as President of the Senate, *virtute officii*, had any power in relation to questions of order, except such as was conferred by the rules of this House? The constitution declares, that the Vice President shall be President of the Senate. It makes him the presiding officer over this branch of the National Legislature, but how he is to preside, and by what rules he is to be governed, the constitution is silent. The constitution, however, expressly declares that this House shall prescribe "the rules of its own proceeding." And here is found the power, the only power, under which rules of order can be made applicable to this House. If the Vice President has any power in relation to this matter, except to expound and enforce such rules as the Senate may provide, deriving that power from the constitution, he must possess it entirely free from our control. An inherent power must make him the sole and exclusive judge, without appeal, in all questions of order. There can be no limitation to such a power, but the discretion of the officer who is to exercise it. This construction would place the Senate at the feet of an officer, neither elected by, nor responsible to them. My construction of the constitution is very different from this. I look upon the Vice President, when taking his seat as President of the body, as standing precisely in the same situation as the Speaker of the House of Representatives. They are both presiding officers, but they must preside in conformity with the rules of the respective Houses. In these views, I understand every gentleman who has spoken on this subject (except two) to concur. The rights of the Senate, therefore, are sufficiently vindicated. But a distinction has been taken by the Senator from New Jersey, (Mr. DICKENSON,) between the power of the President in relation to matters of decorum and in relation to the latitude and freedom of debate, which appears to me not to be well founded; the former, he contends, belongs to the President by virtue of his office, while the latter can only be derived from the rules of the Senate. The correctness of this distinction, I think, may be well doubted. For my own part, I cannot conceive how the President can possess any power in relation to the proceedings of this House, which is not conferred by the rules of this House. With respect to the class of cases which have been stated, such as a disturbance in the lobby, or a fray on the floor, and others of a similar character, the power of the President to enforce order is derived from the rules of the House. In matters of such minor importance, and so little liable

to abuse, the practice of the House, for a long series of years, may well be regarded as constituting its rules. It is a species of common law of all deliberative bodies, that no violent interruption of their deliberations should be suffered. But there is a wide distinction between the exercise of this authority, by virtue of a rule of the Senate, express or implied, and the exercise of the same authority by virtue of certain inherent powers derived from the constitution. In the former case the Senate may change the rule at pleasure; in the latter, the powers of the President would be beyond their control. Believing, from this view of the subject, that the constitution has merely designated the Vice President, as the officer who is to preside over this House, and carry into effect its "rule or proceeding," just as the Speaker is to enforce the rules of the House over which he is to preside, it seems clear, that if the President possesses the power now in dispute, it must be under some rule either express or implied. Now, if this was a subject on which we had no written rule, gentlemen might resort to the usage of the House, (if such had been the usage, which I do not believe to be the fact,) in order to show that the President possessed the power in question. But, on this subject, the existence of an express written rule, must prevent us from resorting to any other source for the powers of the President. The mode of proceeding in case of a violation of order, by words spoken in debate, is prescribed in terms that seem to admit of no doubt or question. The sixth and seventh rules declare in substance, that calls to order in such cases can only be made by a member. That the Senator, so called to order, shall take his seat, that the words objected to shall be reduced to writing, in order to enable the President to decide whether the speaker is in order or not. Now, let gentlemen compare this rule with the corresponding one in the House of Representatives. There, the rule provides that "the Speaker shall, or any member may, call to order," &c. There, the Speaker is the officer whose duty it is to call to order, in the first instance. Here, the President is merely the judge, or umpire, between the Senators. The difference in our rules probably arising from the difference in the construction and character of the two Houses.

TUESDAY, February 12.

The Senate proceeded to consider the amendments to the rules of the Senate, reported from the Select Committee appointed to revise the rules, together with the amendment offered by Mr. FOOT, to the 6th and 7th rules.

Mr. BARTON said that he was in favor of the amendment offered by the Senator from Connecticut, upon its own merits, without any regard to the decision of the Chair in the memorable session of 1825-'6, which had been so unnecessarily drawn into this debate. The

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present rule (the 6th) vests in the President of the Senate the arbitrary and tyrannical power to decide all questions of order without appeal, giving him the right, if he doubts, to take the sense of the Senate. The amendment barely proposes to settle the disputed power of the Chair to call members to order in debate, and to restore to the members of the Senate the right of appeal. This amendment, he said, would assimilate the proceedings of the Senate upon matters of order to those of the House of Representatives of the United States, and of all the legislative bodies of the several States of this Union, by restoring to the Senate their constitutional power of determining in the last resort upon all their rules of proceeding, and was the more proper, because the presiding officer of the Senate is not appointed by, nor amenable to the Senate, as the presiding officers of most legislative bodies are.

Mr. B. said the argument that had been urged on this floor by one of the opponents of this amendment, (Mr. BENTON,) that such a power in the President to call to order in debate, and then to decide the member to be out of order, would be making the President both accuser and judge, had no weight in it—nor, if it had, was it at all applicable to the amendment before the Senate. Every justice, and every conservator of the peace, would be liable to the same objection of being both accuser and judge, if the discharge of an official duty were to place him in the invidious character of an accuser. There was, he said, no similarity or just comparison between a court and the presiding officer of a deliberative assembly; and, if the objection were a valid one, it proved the presiding officers of almost all the legislative bodies in the Union guilty of the impropriety of acting this double character. He had been somewhat surprised, he said, to find the opposition to this amendment come from gentlemen who had heretofore expressed so much horror and fears for the public liberty, at the idea of clothing a presiding officer with too much power. Yet they are content to take the rules as presented by the Select Committee, leaving in the Vice President the extraordinary, if not the unconstitutional power of deciding all questions of order, even involving the great right of freedom of debate on this floor, without appeal. This amendment, he said, would restore the Senate to its constitutional exercise of power upon the proceedings of the body, which was much more necessary now the presiding officer is not of our own creation, than it could be in those bodies that create and may remove their presiding officer, should he abuse his powers. Mr. B. repeated, that the scenes of 1825-'6 had been drawn into this debate most unnecessarily and uncalled-for, as if by design to obtain from this Senate an indirect sanction or condemnation of the decision of the Chair, made at that session upon the subject of its powers to preserve order in debate. Those scenes should not have been

interrupted in their passage to oblivion, nor unnecessarily called to revive the feelings of that memorable epoch in the history of the United States Senate. If, indeed, that subject had been revived by a friend of the Vice President with a view of obtaining the sense of this Senate upon that decision, he presumed the Vice President did not feel grateful to him for such friendship. That was a decision upon which members of this body differ widely in opinion. He hoped, he said, that our Vice President had more magnanimity and candor than to make pretence to infallibility, and he declared himself to be one of the members who believed that decision of the Chair to be erroneous. He believed the Chair possessed, and ought to have exercised, the power of confining members to or towards the subject before the body, independently of any of the rules printed in that blue book, (the printed rules of the Senate.)

Mr. BELL, of New Hampshire, said: It is made a question in this discussion, whether the presiding officer of the Senate possesses, by virtue of his office, the power of preserving order in the Senate in any case where the Senate have not expressly enjoined it upon him as a duty, by their rules. I have always considered this as incident to the duty of presiding over a deliberative body. I believe it to be a sound principle of construction, that, where the constitution creates an office, and imposes upon the person holding that office a specific duty, that it invests him, by a necessary implication, with such power as will enable him to perform that duty in a useful and efficient manner. This rule will be found to be invariably correct in every case where it is not necessary to derive the power through a legislative act.

The constitution creates the office of Vice President, and expressly imposes upon him the specific duty of presiding over the deliberations of the Senate. That duty cannot be performed, either usefully or efficiently, without the power of preserving order. The power to preserve order must therefore be necessarily incident to the office. The Senate itself cannot divest the Vice President of this power, because he holds it from the constitution; but they may enlarge, or limit, or modify it, because this power is expressly vested in that body by the constitution. When the constitution gives to the Vice President the power of presiding over the Senate, it refers him to the well-known usage of all legislative bodies for the extent and nature of his powers and duties. It was necessary that he should be invested with this power, because it was to be exercised from the first moment the Senate assembled, and before it was possible that they could establish rules for this purpose. There could be no assignable motive why the power so universally held and exercised by the presiding officers of all other deliberative bodies, should be withheld from the Vice President, since the constitution gives to the Senate the power of

modifying the rules he should adopt, or establishing others, as this body should think fit. The Vice President is required by the constitution to conform to, and regulate his conduct, as a presiding officer, by the rules so amended or modified. Should he, from culpable motives, refuse or neglect to conform to rules so established, he would be liable to impeachment and removal from office. Every exercise of the power of preserving order, however different in character, rests on the same principle for support. When the presiding officer calls the attention of the members to business, or commands silence, he is performing an act of preserving order, equally as when he requires a member to adhere to the rules of decorum in debate. The same power which authorizes the one, authorizes the other; any attempt to distinguish between them is destitute of even a colorable foundation.

But should we believe that the language of the constitution, which invests the Vice President with the power of preserving order in the Senate, to be ambiguous, has not that ambiguity been removed, and its meaning long since settled by the uniform practice of all the presiding officers of the Senate, and that, too, by the assent and approbation of the Senate? That construction of the constitution which gives to the Vice President the power of preserving order in cases where the Senate have not established any rules, is not of modern date, nor established with a view to any temporary object, but is as old as the constitution itself. It commenced with the existence of this Government, and was continued without interruption for thirty-five years. Within that time, some of the ablest men this country has ever produced have presided in the Senate. When I name Jefferson and Gaillard as of the number of those presiding officers of the Senate, who believed that the constitution invested the Vice President with this power, no man will have occasion to blush when he admits that he holds the same opinion. These were not of that class of men who are prone to claim or exercise powers which do not legitimately belong to them.

Mr. ROWAN said he thought there ought to be but little difficulty upon this subject. Happily for the people of this country, they are the legitimate depositary, or rather proprietors of all the power which they had not specifically delegated. As a man, the gentleman who presided in the Senate, had no more power than any other of the millions who composed the United States. Whatever power he possessed then must belong, either to his office of Vice President of the United States, or as President of the Senate. As Vice President, he certainly possessed no power, which he could exercise in, or over the Senate. The powers which he possessed in that character, were defined, but *inert* powers, held in reserve, which could not be exerted, until the contingency should happen, which alone could awak-

en and draw them out into exercise. The little power which he could exercise in the Senate, he could exert, not in his character of Vice President of the United States, but in his character of President of the Senate. His Vice Presidency of the United States made him President of the Senate; and being thus made President of that body, whatever power he could exert then, was in virtue of the latter, not the former character; as President, not as Vice President. He thought it a circumstance of great felicitation to the American people, that their Government was not so old, as to furnish a pretext for the inference of power from office. Much less, to justify the exercise of implied powers, by any of the officers. That was the evil under which the old Governments of the world groaned. And although he wished this Government to be interminable, yet he did not wish it to live longer than it could exhibit the character of its powers. And whenever the Government should have to look through the mists of antiquity at its Charter; or, in other words, whenever its Charter should be dimmed with age, he hoped it would be renewed. And that the springs and principles of our liberty would derive increased vigor from each renewal. He considered it matter of some regret that our habits of thought led us imperceptibly to infer power from office, rather than to refer to our constitution for the specific and definite powers conferred by that instrument upon the office. The habit was, he said, though unfortunate, not unnatural. In the country with which we were originally connected, and from the dominion of which we had so gloriously escaped, all power was derived from the king. He was the source of the inherent power of the Government. And the power claimed to be exercised by the officers of the Government, was, like his, supposed to be inherent. If the king did not complain, then was no one else to do so. The people had neither act, nor part, in the matter; with them, it was matter of indifference, whether the officer or the king possessed it, they did not. Let whoever might possess it, they were the subjects of, not the agents in, its exercise. In fact, they were interested in maintaining, rather than denying the doctrine of inherent power, in the functionaries. Because they had more to fear from consolidated than divided power. Division weakens power, as it does every thing else. And when power was claimed by implication as belonging to an officer, they knew that it was not inherent in the officer, it was inherent in the king. And that the inherent stock of the king would be weakened by so much as was inherent in the officer. They were led of course to acquiesce in the doctrine of inherent power. But the very reverse is happily the case with us. Here the people are the fountain and the source of power—what the king was there, the people are here—whatever power was inherent in him there, is here inherent in the people—whatever power be-

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longs with us to any office, is equally conferred by the constitution, or by legislative act. Power with us, thank God, and our Revolutionary fathers, is not abused or magnified, by either religious or political superstition. It is enveloped in no mystery—we are not, we ought not to be bewildered, with vague and indefinite notions of inherent official power. Our plan of Government addresses itself to our understanding, not to our credulity—it invokes our reason, not our faith. Sir, said he, Government with us, is a simple, rational, common sense matter. While it continues to be so, we will be free; when it ceases to be so, our liberty ceases. While we are jealous, and watchful, and, he would add, distrustful of our public functionaries, we should be safe. But, the moment we yielded to the exercise of inherent, undefined power, by our officers, we were in danger. Sir, said Mr. R., this case presents to intelligent observers a rare spectacle, and as honorable to the officer to whom it relates, as it is rare. When did it happen, in any Government before, that a high public functionary disclaimed the exercise of power, which was supposed to belong to his office, supposed by even his enemies to be inherent in his office? When before did it happen, that the personal and political enemies of an officer insisted upon the enlargement, by implication, of his official power? Sir, the case is singular in both its features. And, if the example of the present incumbent shall always be followed, by all the officers of this Government, the freedom of the people will be eternal. And why should it not be followed? Is it not, when closely examined, as degrading to the officer, as it is injurious to the public, that he should be discontented with the power, which he legitimately possesses, and attempt to exert *dubious* and undefined powers? Sir, if there be one act of a high public functionary, which more than another ought to exalt him in the estimation of freemen, and entitle him to their confidence, it is his declining the exercise of doubtful or implied powers.

Mr. WHITE was of opinion that the presiding officer had not the power of calling to order, for words spoken in debate. That, he said, was entirely distinct from the power of deciding on common questions of order. The existing rules of the Senate, said Mr. W., do not confer this power, and if they do not, the presiding officer does not possess it. Mr. W. was not aware that any member had expressed the opinion, that the rules of the Senate conferred on its President the power of calling to order, for words spoken in debate—but if any member entertains such an opinion, a simple recurrence to the 6th and 7th rules, will satisfy him to the contrary. What is the effect of those rules? "When a member is called to order, he shall take his seat; and the member calling him to order shall reduce the exceptionable words to writing, and then the presiding officer decides whether he is in or out of order." Now,

will any gentleman say, that the presiding officer can call a Senator to order, reduce his words to writing, and then pass judgment, on the very words taken down by himself? Is not this contrary to reason and common sense? We cannot, said Mr. W., act in direct contradiction to the express rules of the Senate. By these it is left to his brother members to call an offending member to order, the words believed to be exceptionable are to be reduced to writing, and then the President decides. This is the power delegated, and the presiding officer possesses no other. If then this is the effect of the rules of the Senate, it is not competent to the presiding officer, to tell any member in the course of debate, that he is out of order. All officers of the Government, said Mr. W., possess powers conferred by some express grant, or fairly to be inferred from it. They possess none other whatever, and the assumption of any power not expressly granted, will always be viewed by the people with a jealous eye.

Was it intended, asked Mr. W., that the presiding officer should dictate to members of independent States? If he has the power which gentlemen contend for, why is that very power conferred in express terms on the Senate itself by the constitution? He asked of gentlemen to say, which of the two rules should be paramount—the one expressly made by the Senate, or the one brought in by the Vice President himself. Two distinct and conflicting sets of rules cannot exist at one and the same time in the same body. Sir, said Mr. W., the powers which belong to this body are one thing, and those which belong to the presiding officer are another. The President of the Senate is not to devise, expound, and enforce its rules in virtue of his office, according to his own mere will and pleasure—he is merely the organ of the body, and that body confers just such powers as are necessary to carry on its operations in the manner most conducive to the public good, and no more. It belongs exclusively to the Senate according to the constitution, to make, or devise the rules, and to the presiding officer to expound and give them effect. All must admit the Senate is vested with the power to establish the rules by express grant; now, if it be true that the President, *virtute officii* or inherently possesses the same power, how shall we get along, if the Senate establishes one set of rules, and the President another, inconsistent with them? Which shall be enforced? The doctrine that powers had been conferred by usage and length of time, he protested against. Would gentlemen point out where those who had exercised such powers obtained them? To tell him that distinguished men had presided over the deliberations of this body, was to tell him what every person knew—but because a doubtful power had been exercised by distinguished men, did that sanction the usurpation? The gentleman from South Carolina (Mr. SMITH) tells us of his having been

called to order, compelled to sit down, and refused an appeal—but, sir, said Mr. W., the gentleman who called him to order was not the Vice President of the United States—he was a member of this body, put into that office by ourselves, and amenable to our authority. The gentleman being able to specify only one case, and in that one, the question of power not raised or considered, Mr. W. could not deem it a precedent of any importance. But, sir, said he, if precedent were filed upon precedent, I never can believe the exercise of such power to be correct—I should be just as ready to vote against his being possessed of this power of silencing a Senator in the midst of debate, then as now. Mr. W. denied then that the presiding officer has any powers except such as are expressly conferred on him by the constitution or by the Senate, and concluded by observing that the time might arrive when the individual presiding over the Senate may think he can devise better rules, by virtue of some implied or inherent power, than those framed by the Senate, and thus the most pernicious results might ensue.

Mr. SMITH, of South Carolina said, if, in discussing this rule before the Senate, references to past occurrences had been made, it could not be imputed to him. He was not among those who had invoked its discussion. The committee had reported their amendments of the rules, which were acted upon by the Senate, and the sixth and seventh rules had passed *sub silentio*, and would have been permitted to rest as they were, had not the gentleman from Virginia (Mr. TAKEWELL) called the attention of the Senate back to them, by alluding to the decision which had been made in 1825, upon the construction of these rules.

He was aware that very opposite opinions had been entertained in the Senate when the question arose in 1825; but what that diversity of opinion was, or how it was settled, he knew not. He had not permitted himself even to inquire either for the one or the other. He knew much had been said in the public prints, and the public mind had been agitated, in no small degree, by it. And to avoid a recurrence of so unpleasant a nature in future, since the subject had been introduced, he certainly thought it by all means advisable that it should now be acted upon; and let the rules for the maintenance of good order and decorum in the Senate be rendered as perfect as possible, independent of that courtesy which had heretofore so highly distinguished the Senate.

He knew that considerable agitation had existed on former occasions, and these were not the halcyon days that seemed to invite to repose. And whatever gentlemen might think upon the rule as it now stood, he could see no possible objection to making it explicit. It could not prevent the exercise of courtesy, and might promote it. At present, they were calculated to produce that effect, as great difference of opinion existed upon their true con-

struction. That there was a power to preserve order, was admitted on all hands; but in whom that power was vested created the doubt and produced the argument. Some were of opinion that it was vested in the Chair, while others strenuously contended that it belonged only to the Senators, individually and collectively. It was surely time to put the matter to rest, and let the Senate know, distinctly, where the power was located.

For his own part, he never had a doubt but that the President of the Senate had the right to call to order. The very nature of his office implies that power. He was not one of those who relied upon constructive powers where they were not expressly given, but in this case he had the invariable practice of the Senate, from its commencement in 1789, up to the session of 1825, a term of 36 years, to sanction this opinion. He recollected very well that he had himself been called to order by the President of the Senate, more than once. On one occasion, a gentleman in the chair, (Mr. GALLARD,) for whose memory he entertained the most profound respect, had called him to order for words spoken in debate, when he, Mr. S. himself, conceived he was correct, which induced him to appeal to the Senate, and was again told by the Chair there was no appeal from his decision; and the Senate supported the Chair.

Gentlemen had contended that this power did not, nor ought, to belong to the President of the Senate. They looked upon the principle as monstrous, and as threatening future consequences of a most serious nature. Others deprecated the idea of placing the power of governing forty-eight Senators, and checking the freedom of speech, in the hands of an individual, who was not a member of the Senate; and who might become a tyrant and control the freedom of debate in that body to the destruction of the liberties of the people.

Mr. S. said we must take things as they were, and not as they possibly might be. It was fair to suppose the people of the United States never would place a tyrant in that chair. If they should, the Senate had the constitutional means of controlling him. This they could do in an instant, by giving an appeal from his decision to the Senate; and his tyranny would be at an end. That the President was not a Senator was no argument against his having this power. Gentlemen seem to have forgotten that the abuse of this power may be as great when trusted to a Senator as it would be in the hands of the President. And, as we have entered upon the wide field of supposition, let us, for a moment, suppose the President of the Senate this tyrant or monster, who would exercise the power, if he had it, of calling a member to order, that he might silence him in debate. Could he not do it with a much better grace, as the rule now stands, of which gentlemen seem not to complain, by a collusion with a member, to call to order such other member

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as he might wish to silence, and then interpose the power, which all agree he possesses, of declaring him out of order, from which there is no appeal, and silence him at once? Any man disposed to play the tyrant in that chair, would much rather divide the responsibility in that way, with a member, as he can now do as the rule stands, than take it upon himself alone.

Mr. KANE said he would in a few words express his opinion upon this subject. He agreed that the true question was—Has the President of this body the right to call a Senator to order for words spoken in debate? He did not agree with those gentlemen who thought the President had no power to call a Senator to order, in any case, by virtue of his office. He would cease to be the President of a deliberative body could he not preserve that order which was so essential to preserve deliberation. He can suppress noise and disturbances, because the functions of his office cannot be exercised without it. Words spoken in debate, *per se*, cannot be considered disorderly.

The President cannot declare them out of order without the right of interfering with, and in some degree controlling our deliberations. The distinction was this: The President may preside over, but not interfere with the deliberations of the Senate. Such a power as the latter would be incompatible with the organic principles of the body. If the President may designate what particular words are in or out of order, the discussions here will not be free. The States are no longer represented in their sovereign character. I am free to admit that no apprehensions are to be entertained on this account of any abuse of such power, should it be conferred, but upon the principle of the question he had made his decision.

Mr. WOODBURY, of N. H., observed, that the course of remarks on this subject, by the gentleman from Maryland, had imposed a duty on all who might vote for the amendment for reasons different from his, to explain their views or consent to be misunderstood or misrepresented. The amendment, said Mr. W., in its operation has not been distinctly apprehended; else probably less diversity of opinion would exist as to its adoption. It, in truth, will work two separate and independent effects. One will be, to confer on the Chair a new power, the other to place a new limit or restriction on all its power. One is produced by giving the authority to call to order for words spoken in debate; the other, by giving an appeal, from that call to order, and from all decisions of every kind, to the members of the Senate. As a friend to restricted power in all public officers, and to jealousy of its exercise, he should certainly vote for the appeal; and as the right to call to order in the first instance by the Chair, was of so little consequence, when subjected to an appeal, he should also vote for that, if he could not vote for the appeal separately. Every gentleman will see that

this grant of a new power, to one person more, who in addition to the present forty-seven, may call to order in the first instance, for words spoken, is not likely to produce either much good or hurt, if controlled by that forty-seven on an appeal from the Chair. So that the whole contest, worth a moment's consideration, was that part of the amendment, subjecting all calls to order by the Chair to the revision of the Senate. This was entirely a new provision. It had not been formerly introduced for the very plain reason, that no power to call to order in this case had ever been conferred on the Chair by the rules of this body. If it had been, as was done in the other House, expressly—then, undoubtedly, as there, it would here have been subjected to an appeal. To suppose that the Senate would confer such an essential and controlling power over the deliberations without any restrictions, when the other House had imposed implicit restriction, would be to suppose the Senate less vigilant and more servile and slavish to their presiding officer than any other legislative body in any free Government. The other House acting under the same clause in the constitution would limit the power, though the Speaker is appointed by themselves—is one of their own number and daily amenable to their authority: and yet the Senate would not limit the power, when their presiding officer was not appointed by themselves; was not elected in the same manner, and was not amenable to their pleasure for any supposed neglect of duty. To argue, therefore, that the Vice President has heretofore, by our rules, had this power to call to order for words spoken in debate, without any appeal to the Senate, is to aver, that those who made these rules, were most regardless of their safety, as compared with the other House, or were "ineffably stupid." The words of the rules exempt from this reproach, most clearly, our fathers, who cautiously formed them. The sixth and seventh contain no language in any way consistent with the idea, that by them the Vice President is any thing but an umpire in all calls to order for words spoken. In both of them, he is expressly authorized to render judgment after the call; whereas, if he himself made the call, he would render judgment before he made the call. He appealed to the gentleman from Maryland, as a lawyer, as well as a politician, to say, if the words of the rules admitted of any other construction, and that their spirit would admit of no other, since no appeal was provided for from the decision of the Vice President, no man of independent feeling, and of due respect to those who made the rules, could for a moment believe.

I shall vote then for the last part of the amendment, if the first part be adopted; because the first part confers a new power, never before conferred by our rules. I should vote for it also if the first part be not adopted, as it is a salutary restraint on the old powers conferred by our rules.

But I am utterly astonished, that gentlemen can support this branch of the amendment, and still argue, that the Vice President has a power to call to order for words spoken in debate, independent of any rules made by this body. This has truly been pronounced a doctrine most dangerous and alarming. Where does he obtain it? From the constitution? But that confers upon the Senate, and not their presiding officer, the right to make rules. He can only preside, or administer rules already made. The express grant to them of this right to make rules, excludes his right to make them; and if he cannot make one by the constitution, it is, on this same principle, an usurpation, if he undertake to make one by the *lex parlamentaria*, or *virtute officii*, or in any other way not authorized and ratified by the Senate, to whom alone constitutionally is delegated this important trust. But a single and decisive answer to all claim of an implied or inherent power in the Vice President to make and enforce this rule, without an express grant of the Senate, to call a member to order for words spoken in debate, is, that if he possess this power, he cannot rightly subject it to an appeal. If he possess it in any way, I care not what, independent of an express rule made by us—we can neither divest him of it nor in any manner restrict it. It becomes an encroachment and usurpation by us to attempt to subject it to an appeal. He can, and ought to put our appeal to defiance. He is not responsible to us for the exercise of powers not conferred by us; but responsible to the people alone.

Mr. BEECHEN said that he had framed an amendment in the form of a resolution, which he would now offer to the consideration of the Senate. He considered the power of calling to order in other cases than in debate, a well-settled ministerial power, which could exist in no other hands than those of the Vice President—because the attention of the members is not supposed to be upon the proceedings in such cases. But in the debate, the attention of every member would be wide awake; they would be the most interested in checking disorderly language; and, therefore, a delegation of power to call to order in such cases would imply a want of confidence in the Senators themselves. The general disposition of the Senate to preserve decorum seemed to make such a delegation of power unnecessary. He was, thus, disposed to confirm to the presiding officer the right of calling to order in all ordinary cases; and to retain to the members of this body the right of calling to order during debate; imposing upon the President the duty of determining whether the call should be sustained or not, with a right of appeal to the Senate in difficult cases.

WEDNESDAY, February 18.

*Powers of the Vice President.*

The Senate resumed the consideration of the

report of the Select Committee on the rules of the Senate; the motion of Mr. FOOT still pending—

Mr. JOHNSTON, of Louisiana, said he was in favor of the amendment which conferred the power of preserving order on the presiding officer of the House, because he believed order essential to a deliberative assembly; and, as the exercise of the power had been declined, it became necessary to invest the Chair with a power without which his duties under the constitution could not be performed, nor the order of the Senate preserved. The power must be vested somewhere. It pertained, he thought, of right, to the presiding officer. It was a power usually exercised by those who presided over the deliberations of public bodies, and it could not be exercised with effect by any other. It was clear, from experience, that the power of calling to order would not, in extraordinary cases, be exercised by members. The person entitled to the protection of the House, who was the object of personal animadversion, would not claim the interference of the House, because he is on the floor to defend himself. His friends will not, because seeing the injury already inflicted, they will prefer the right of repelling the attack. The friends of the assailant will not, seeing the party is present either to stop it by appealing to the Chair, or by exercising the right of self defence. The party excited by the sense of the injury, assails his adversary in return, retorts, criminales, and insults. The party rejoins, and a scene disgraceful to the actors, to the Senate, and to the country, ensues. Where can it end, but in blows on the floor, or in an appeal to the field of honor? It being considered the duty of all to call to order, it is the particular duty of no one—and no one will take upon himself to do what equally belongs to every other member to do: the interposition would be deemed at least officious, and perhaps by both parties; and what becomes of the business, the order, peace, and dignity of the Senate? But, if the power is conferred on the Chair, it becomes his peculiar duty, under his responsibility, to exercise it promptly and firmly. In the Senate, the duty is divided, and the responsibility lost by diffusion: it becomes a mere right, without imposing any obligation or duty, and there will be no remedy for the confusion and disorder which personal quarrels may introduce into this place.

This much I have said in regard to the expediency of conferring the power. But the power to preside over the body is derived from the constitution. The power of presiding presupposes certain duties inherent to the officer, and requires no law or rule to confer the right. He has a right, by virtue of his office, to sit in the Senate; to superintend its proceedings; to preside over its deliberations; to put all questions; to administer oaths; to judge of the violations of the rules, and to enforce them, and to do every other thing which belongs to the

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*Powers of the Vice President.*

[SENATE.]

office. The Senate have the right to prescribe rules; but he is the Executive officer here. He has a general duty of presiding over the body according to the custom of such bodies. The Senate may prescribe rules to extend, or limit, or explain his general duties.

The right to perform the duties which belong to the office, is a right inherent in the officer not expressed in words, nor are the duties susceptible of enumeration. That without which the office cannot be is an essential part of its nature, and is inherent in the thing, as the quality is inherent in matter. The right to preside is expressly conferred by the office; but the right to enter the Senate, and to be present at its deliberations, which cannot be questioned, is inherent, not expressed: it is implied, because it is essential to the performance of the duties of the office, and without which the office could not be. The right to do, when there, what pertains to his office, is also inherent, and there can be no doubt of his right to do the duties that belong to the office. What those duties are, must be derived from the nature of the office, and the general understanding and usage.

The constitution creates the Vice President, *ex-officio*, "President of the Senate." The right and duty of presiding in that body is inferred from the words which create that office. The act of presiding over a body whose duty it is to deliberate, to debate, and to decide on questions of greatest interest, legislative, executive, and judicial, requires that the body should be kept free from interruption, confusion, and disorder. It requires that order, in its strict parliamentary sense, should be maintained. It is the right of protecting and preserving the body itself. It is a right without which the regular action of the body could not be carried on. To whom does this duty belong? to the presiding officer, or the collective body, or the members? What was in contemplation of those who created the office? What is the general acceptance? What is the duty of all those who, under whatever name, are called to preside over public bodies? Order is the first law of every body, and he who presides must preserve it: such is the universal understanding and usage with regard to it.

The constitution has provided that, when the President of the United States is tried on impeachment before the Senate, the Chief Justice shall preside. What rights and duties does this impose? Certainly it constitutes him the head of the court, though not a member. He presides over the Senate, conducts the trial, preserves order, and does all other acts necessary to fulfil the duty. On the trial of a Judge, that office would devolve on the President of the Senate, who, in like manner, would conduct the trial, preserve order, interrogate witnesses, take the opinion of the Senate, and do all other acts pertaining to the presiding officer of the House, of which the trial of Judge Chase furnishes an example. In like manner,

the President of the Senate must preside in all legislative proceedings. There is equal authority and necessity for both; and no sensible distinction can be taken. In both cases it implies the same duties. The Chief Justice would, under the right to "preside," exercise the power of preserving order, by a right universally conceded as indispensable to his duty, not by any express delegation, or by virtue of any rule, but as a necessary incident. The President of the Senate, in similar circumstances, would have the right to exercise the same privileges; and the right to preside in all other cases implies the use of the same means; and such has been the uniform practice in the Senate from the beginning—a power never doubted by the presiding officer—never questioned by the Senate. The Senate cannot be organized, or hold its sessions, until the President of the Senate is present, or some one in his place. He administers the oath to the other members; he puts all questions; but there is no law or rule of the Senate for this. It is purely by virtue of his office, call that power what you will.

Mr. TYLER said he would fain believe that no difference of opinion could exist on the question, when fairly stated. Had the Vice President a right to originate rules, by which we are to be implicitly bound? The answer to the argument of the Senator from Louisiana, on the powers inherent in the office of the Chair, is, that the power of the Chair is confined to the construction of rules, while their origin is with this body alone. Who questions the power of a court to construe the laws? Who believes that a court can make laws? How many swords would be unsheathed, if the President of the United States were to undertake to make laws? The powers of the Chair are limited to the construction of the rules; and that power nobody denies.

Mr. T. thought the power claimed was despotic, and if exerted, would be destructive of the object for which the Senate is constituted. Who doubts that the Senate has plenary power to accomplish the objects of its institution. If the Chair has a right to frame rules of proceeding, the Senate has not. The right must be complete either in him or in us. If in both, we should be brought into continual collision. Here Mr. T. defined the powers of the Chair to be ministerial, and properly exercised under the rules originating from the Senate—and he contended, at great length, that no other power was or could be given to the Chair, by implication, or by the *lex parlamentaria*.

Mr. T. also vindicated the decision of the Vice President, who, he said, was debarred by his station from self defence. The high crime of which he had been accused was his declining to exercise a power, which, in his opinion, did not belong to him. If actual improprieties were indulged in, why was it not the duty of the Senator from Louisiana, as well as the Chair, to interfere? Why did the Sen-



ator remain silent, and throw the responsibility on the Chair? He announced his construction of the rules, and the Senate acquiesced. Mr. T. believed that the decision of the Chair was correct. It belonged to this body to originate rules; to the Chair to enforce them.

Mr. WHITE moved to divide the amendment, so as first to decide the question of conferring the right on the President, and then on the appeal of the Senate.

The division having been agreed to, the question upon the first portion of the amendment was decided in the affirmative, by the following vote:

YEAS.—Messrs. Barnard, Barton, Bateman, Bell, Benton, Boulogny, Chambers, Chandler, Chase, Cobb, Dickerson, Foot, Harrison, Hayne, Hendricks, Johnston of Louisiana, Knight, McKinley, Marks, Noble, Parris, Robbins, Ruggles, Sanford, Seymour, Silsbee, Smith of South Carolina, Thomas, Tyler, Van Buren, Willey—31.

NAYS.—Messrs. Berrien, Eaton, Ellia, Johnson of Kentucky, Kane, King, McLane, Macon, Ridgely, Rowan, Smith of Maryland, Tazewell, White, Williams, Woodbury—15.

The question on the second portion of the amendment then occurring, and Mr. Foot having called the yeas and nays, it was adopted by the following vote:

YEAS.—Messrs. Barnard, Barton, Bateman, Bell, Benton, Berrien, Boulogny, Chambers, Chandler, Chase, Cobb, Dickerson, Eaton, Ellia, Foot, Harrison, Hayne, Hendricks, Johnson of Kentucky, Johnston of Louisiana, Kane, King, Knight, McKinley, McLane, Marks, Noble, Parris, Ridgely, Robbins, Rowan, Ruggles, Sanford, Seymour, Silsbee, Smith of South Carolina, Tazewell, Thomas, Tyler, Van Buren, White, Willey, Williams, Woodbury—44.

NAYS.—Messrs. Macon, Smith of Maryland—2.

So the amendment of Mr. Foot, to the 6th rule, was agreed to.

The VICE PRESIDENT then rose, and said, that he took this opportunity to express his entire satisfaction with that portion of the amendment giving to Senators the right of appeal from the decision of the Chair, as it was not only according to strict principle, but would relieve the Chair from a most delicate duty. As to the power conferred upon the Chair, it was not for him to speak; but he assured the Senate that he should always endeavor to exercise it with strict impartiality.

Mr. Foot then moved to amend the 7th rule by inserting, after the words "called to order," the words "by a Senator," making it requisite to write down the offending words uttered by a member, only when a Senator should have called him to order; which was agreed to.

Mr. MACON asked whether a vote should not be taken on the two amendments.

The Chair answered that the division of the amendment precluded the necessity of doing so.

TUESDAY, February 19.

Judicial Process.

The bill to establish process in the States ad-

mitted into the Union since the year 1789, was taken up.

Mr. WEBSTER entered into a view of the ostensible objects and ultimate effects of the bill under consideration, and argued that the former were not adhered to, while the latter would be disastrous and inconvenient in the extreme. He replied in detail to the arguments of Messrs. TAZEVELL and ROWAN, discussing the signification given by the process acts of '89 and '92 to the term civil law, by which equity process was to be regulated, and opposing the idea that the common law was alluded to by the terms of those acts. He considered that if the bill passed in its present shape it would destroy all equity process in many of the old States. He was perfectly willing that the advantages asked for by the new States should be acceded to them, but felt it his duty to oppose a bill which threatened so much evil to the older members of the Union.

Mr. VAN BUREN was for reconsideration, remarking that the bill, in its present form, was allowed to progress merely through an oversight of the Senate.

Mr. ROWAN said, that, in order to correct some matters of fact on this subject, it would be necessary for him to consult certain documents. He therefore voted to lay the bill on the table: which was agreed to.

THURSDAY, February 21.

Judicial Process.

On motion of Mr. ROWAN, the Senate resumed the motion of the 18th instant, to reconsider the vote on the reconsideration of that of the 14th instant, on engrossing the bill for regulating process in the Courts of the United States, in States admitted into the Union since 1789.

Mr. ROWAN said that he should have been contented to take the vote when this question was under discussion on the day before yesterday, but that the Senator from Massachusetts (Mr. WEBSTER) had referred to the process laws of Kentucky, in connection with the rules of the Federal Court, in such a manner as rendered it necessary, in his opinion, to have special reference to those rules. The gentleman had, moreover, misstated the execution laws of that State. To have it in his power to correct the misstatement of the gentleman, and to produce the rules of Court, he had requested the postponement.

The gentleman had stated that the laws of Kentucky would not permit an execution to be taken out by a creditor upon his judgment, unless he would endorse, that uncurrent or unavailable bank notes would be taken in discharge of it. That, to remedy this evil, the Federal Judges had made the rules complained of by the Senators from Kentucky. He added, moreover, that the execution laws of Kentucky were declared, both by the State and Federal Judges, to be unconstitutional and void.

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Sir, said Mr. ROWAN, as to the first statement of the gentleman it is utterly erroneous. There never was a law of Kentucky which forbade the plaintiff to sue out execution upon his judgment, unless he would endorse that he would take unavailable paper in discharge of it. I do not know, said Mr. R. whence the gentleman obtained his information, but I do know that it is incorrect. It was always competent for a plaintiff to sue out his execution immediately after the term had expired, at which he had obtained his judgment. But there was a period in that State in which the defendant in the execution, could, when it came to be levied upon his property, replevy the debt for two years, unless the plaintiff had endorsed that he was willing to receive the current bank notes of the State, in which case he could replevy for three months only.

Why the gentleman should have referred to the execution laws of Kentucky, he could not well perceive, for whether those laws were, or were not, constitutional or expedient, must be foreign from the point under discussion, which was, whether the judges possessed the power to make execution laws under any circumstances. If under color of making rules of court, they possessed the power to make execution laws, then they could have exercised that power, whether the execution laws of the State had been wise or foolish, void or valid. And if they did not possess the power to legislate, then they could not, under any state of things, have made those execution laws or rules. But, as the laws of that State had been mentioned by the gentleman, in a manner that might seem to imply censure, he would, while he reprobated, in the most emphatic manner, the right, or propriety, of any Senator's censuring the conduct of a State, claim the indulgence of the Senate, for a few moments, while he vindicated the State, by which he had been honored with a seat in that body, from the imputation which that gentleman had been pleased to utter in innuendoes. He would, however, premise, as a fact well known, not only to physiologists, but to all close observers of human nature, that the Creator of man has wisely and benignantly endowed him with energies beyond what are required for the ordinary avocations of life—energies for special and extraordinary exigencies, which lie dormant, until the emergencies, which awaken and call them into action, occur; that the degree of energy beyond the stock habitually employed in the ordinary pursuits of life, which shall be called into exercise upon any occasion, depends upon the excitement which the occasion produces. Now, sir, it is known that there is no general condition of society which excites its members so powerfully as a state of war. Hence it has been said by wise men, that it is but little less dangerous to close, than to commence a war. To allay the stock of excitement which that condition produces; to ease men down to their ordinary pacific pursuits, from a

high and fervid state of excitement; or, if the simile may be allowed, to let off the steam when the voyage is closed, without bursting the boiler, deranging the machinery, or injuring the passengers, is a task of great delicacy, and very great difficulty. This excitement may be extraordinary even for a state of war. It may be rendered so by an infinite variety of occurrences. A spirit of disaffection among those who are carrying it on; unexpected disasters: a savage and brutal species of warfare, on the part of the enemy, are among the causes calculated to produce almost preternatural excitement during its progress; and, upon its sudden termination to expose society, in its pacific state, to the effects of the very highest wrought war-feeling. Sir, such was the character of our last war. We had beheld in other quarters for more than twenty years before its commencement, the fiercest, the most desolating ravages of war. We had not looked on as cold and heedless spectators; we could not do so. The scenes, though tragic, were grand and magnificent. All Christendom, with the exception of the United States, were involved in the war; and the United States and all the rest of the world looked on with wonder and amazement. Never did nations contend more strenuously; never did war crowd upon the gaze of mankind events more splendid, or in more rapid succession.

The United States were subject, not only to the excitement which a spectacle so grand, so august, could not fail to produce on them as mere spectators; but they were unceasingly exposed to collision with some of the belligerents. They were, in fact, for much of the time, in a state of *quasi* war with more than one of them. Then, sir, when the war really came, it found the people of this nation in a state of great excitement. Let me ask if the occurrences during that war were calculated to diminish that state of feeling? The disaffection of some of the States; their refusal to co-operate in bringing it to an honorable close, surely was not calculated to damp the ardor, abate the zeal, or diminish the patriotism of the people of Kentucky. The Kentuckians, said Mr. R., are, and I speak it with pride, a brave and chivalric people. They felt all the zeal for the glory of their country, with which its accumulated injuries could inspire an ardent, a brave and a patriotic people. They never hesitated, never faltered, for a moment. They poured out their blood like water on the north-western frontier. They were prodigal of life at Tippecanoe, the plains of Raisin, at Dudley's rencontre, on the Thames and Orleans. Sir, Kentucky was widowed by the war—she was bereaved, by its ravages, of some of her most distinguished sons. I need not, said Mr. R., name them; the occasion does not require it. Among them were Colonels Allen and Daviess—men surpassed in none of the States, in no part of the world, whether you have reference to their virtues or their talents. Sir, the glory of the

closing scene of the war was calculated, by its effulgence, to excite to rapture such a people as the Kentuckians, and they did enjoy the raptures of that unparalleled victory—a victory which they had assisted to achieve, a victory which obscured, by its splendors, the mortifying occurrences of this place—yes, sir, which obliterated the defilement, by the enemy, of the proud edifice in which we now sit, and healed the wound inflicted upon the just pride of the patriotic portion of the American people, by that humiliating event. But, said Mr. ROWAN, I have dwelt longer upon this part of the subject, than, perhaps, I ought. The object was to show that the people of Kentucky were not cold blooded, indifferent spectators; that they were greatly excited, and entered into the cause of their country, with animation and zeal; that the disasters and victories, in which they participated largely, were calculated to excite, and did excite them greatly; that at the close of the war they were left in a state of very high feeling. And, in conjunction with these, he begged leave to state another fact, not without its influence in producing the state of things which ensued, and at which the gentleman has alluded, not, indeed, with express, but with evident implied reprobation. Sir, it must be recollected, that the United States Bank did not exist at that period; that the State Banks furnished much of the money, with which the war was conducted; Kentucky furnished her full portion. The needs of the Government, and the excitement to which he had alluded, had produced, perhaps, an inordinate issue by the banks, in that State. The men and supplies furnished by that State, caused naturally during, and at the close of the war, a plenary, if not profuse, circulation of local notes. This furnished, to the excited state of the public mind, facilities for the indulgence of feverish and extravagant projects; impracticable plans were honestly, but erroneously formed; chimerical notions of wealth and aggrandizement were cherished. In fine, the state of feeling was suited to the occasion which it had produced, and not to the condition which had ensued it. They enjoyed peace, while they were under the influence of war feelings. The Bank of the United States was created immediately on the close of the war, and the Government, very unwisely, as he always thought, determined, suddenly, through its instrumentality, to restore, not gradually, as it ought, but suddenly, a metallic currency.

The effects of this unwise measure are known to all; they were felt by almost all in Kentucky. The change, Mr. President, was too sudden—the shock inflicted by it was too severe—the sacrifices produced by it were too numerous and too agonizing—the basis upon which the enterprise, the hopes, and the happiness of the people of that State rested, was suddenly and unexpectedly taken from under them, and they were turned over, as lawful prey, to the Bank of the United States, and the

mercenary vultures that hovered round that institution. The Legislature of the State, in the laudable view to mitigate the calamities which had so suddenly and so unexpectedly overtaken the people, and to save from ruin as many as possible of her citizens, by affording them time to disembarass themselves, passed an act authorizing the defendant, when the plaintiff had not endorsed, that he would take the current notes of the State, to replevy the debt for two years, but denying to him, when the plaintiff had made such endorsement, the right to replevy for more than three months. And what was the mighty evil of this delay? The defendant executed a bond, with two approved securities, for the payment of the amount of the execution within two years. The debt was made perfectly secure; it bore interest during the time, and had the force of a judgment upon which execution issued, as matter of course, and upon which there could be no delay. The injury was, if an injury that may be called, which is a public good, that the plaintiff was not permitted to take the entire estate of the defendant for less than a one hundredth part of its value. There was no money which would be taken, save what little could be obtained from the United States Bank; and that was not obtained by debtors, and when obtained, was employed by those who could obtain it in merciless speculation, at forced sales by the sheriff. The contracts had all been predicated upon the local currency—none other had been known or thought of, that had been put down by the United States Bank—a new state of things had ensued. The creditor refused the medium for which he had contracted, and demanded payment in one which had been suddenly created, and could not be suddenly obtained. The Legislature not only passed this law, but passed a law also abolishing imprisonment for debt; thus affording to the brave fellows who had fought the battles of their country, an opportunity of paying their debts, without the entire sacrifice of their property, and the loss of their liberty, by imprisonment. And mark, Mr. President: the great majority of creditors in that, as under like circumstances, they will always be, in every State, were not the ardent, generous, brave men who had entered with their whole soul into the war which their country had been constrained to wage. They were mostly your cold-blooded, calculating, avaricious men, whose only love of country was love of money—whose patriotism was cupidity, and whose zeal was to enrich themselves, and to ruin the men who had saved their country. These, sir, were few—but they were clamorous—and their clamors were echoed by capitalists from every quarter—and we all know that the capitalists were not the patriots in our last war.

But, he begged leave to ask, if Kentucky was the only State that had, by her enactments, attempted, during the war, to suit her code to her condition? Sir, a great majority of the

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Judicial Process.

[SENATE.]

States altered their execution laws. Public sentiment approved it, because the deranged condition of affairs required it. Virginia, the ancient dominion, a State as distinguished for the correctness and stability of her political creed, as for the heroes and statesmen which she has produced, even she suspended executions, for (he believed) twelve months. But why quote examples—what are the States for—what the annual session of their Legislatures—but, by changing the laws, to suit them to the varying condition of society?

It is true, sir, that the Circuit Judge pronounced the replevin law of Kentucky to be unconstitutional and void. He declared the law to be void, because it delayed justice, and immediately enacted a law which authorized the defendant to replevy for three months. He declared the replevin law of the State to be unconstitutional, and immediately made a replevin law. He declared the law of the State, abolishing imprisonment for debt, to be void for the same reason, and immediately enacted an imprisonment law. [Here Mr. R. presented to the House the rules made by the Federal Judges of the Kentucky District. They consisted of 17 sections. They were read by the Secretary of the Senate in his place.] Sir, said Mr. ROWAN, if the judge had really believed these laws of the State to be unconstitutional, and if he had really believed, also, that he possessed legislative power—a respect for himself—the pride of consistency, and a decent respect for the sentiment of the State, should all have restrained him from the course which he pursued. There was an unparalleled audacity, in ordaining, by rule of court, a replevin law, when he had determined that law on the part of the State to be unconstitutional. There was an insolent defiance of public sentiment, in ordaining imprisonment for debt after the Legislature of the State had abolished it. Sir, we hear a great deal about the purity and sanctity of the judicial character, and eulogies without number are pronounced upon the present incumbents. He had nothing to say about the men; it was the corporate powers of the judicial department, and not with the judges, that this Senate had to do in the present question. He must, however, be permitted to say, that he did not rate very highly that sanctity which was unceasingly employed in profaning the State laws, and State authorities—which, in the exercise of a little usurped and brief authority, outraged the sacred principles of freedom, and drew into contempt the most solemn civil institutions. Sir, you have in the rules of court, which have just been read, a full and complex code of execution laws; including replevin, imprisonment for debt, and a system of conveyancing. The very highest attributes of sovereignty are exerted in conclave by these judges. They make their rules, which subject your property to seizure and sale, and your body to imprisonment. They are not printed nor promulgated; and yet, like the laws

of the tyrant, they must govern, though they cannot be read or known. Sir, said Mr. ROWAN, we are this day debating whether the judges shall exercise the legislative power to an extent, and in a manner, which drew upon that tyrant, the just execration of all mankind. Our freedom consists, essentially, in the fact, that we are governed by laws, made by ourselves—that the will of the majority, definitely expressed, and duly promulgated, is the only power to which freemen are constrained to bend. But, what is the judicial doctrine, which, he was sorry to see, had so many advocates in this body? Why, not that the voice of the majority, but that the will of one or two Federal Judges—under (he supposed) the sacred guidance of that faithful monitor, their conscience, should regulate the property and the liberty of the people of these States—and that, too, not published, but retained in the office of their own clerk. The judges and the lawyers of the court well know what the rules are, and the people may know by making a pilgrimage to the office of the clerk and paying him for a sight of them. But that the judges and the lawyers should know the law, seemed to the Senator from Massachusetts sufficient. It was not, in his opinion, necessary that the people should know them. This doctrine was urged by the gentleman with a zeal which he had but little expected. He would notice it more at large hereafter: for the present he was concerned with the Legislative power asserted for, and exercised by the judges. Sir, said Mr. ROWAN, the legislative power, according to the theory of our Government, is never to be exercised but under strict responsibility to the people, whose will gives obligatory force to the law. But under what responsibility do the judges legislate? They are in office for life, and can only be removed by impeachment, for malfeasance in office. Their office is judicial, not legislative. Could they be impeached for corrupt legislation? Would it be official malfeasance? They were commissioned to judge, not to legislate—to expound, not to make laws. Their legislative exertions would not be official, and so, not subject, to even the remote and nominal responsibility of impeachment.

Mr. President, all the distinguished writers upon political science agree that the concentration of the legislative, the judicial, and the executive power in the same person or body, constitutes despotism. These three powers were exercised by the Federal Judges in Kentucky; and that, too, in relation to topics the most critically interesting of any that fall within the scope of those powers, in their divided and best adjusted shape in immediate relation to the enjoyment of his liberty, and the possession of his property by the citizen. That, surely, is the highest act of sovereignty, which takes from a man his liberty, or which takes from one man his property and gives to another; yet these judges make the rules by which this is done—they expound them, and they execute them. Sir, said

Mr. ROWAN, if this thing is sanctioned, we have gained nothing by the revolution; we have lost by it. For such a power was never asserted for, or exercised by, the judges of England. It would not be tolerated by the people of that country. The people of that Government have, at various periods of its history, been very much harassed and grieved by the pliancy and corruption of their judges, but they never were, as the people of Kentucky have been, oppressed by the usurpation, on the part of even their most corrupt judges, of the legislative power. Sir, this assumption of the legislative power, by the Federal judges of Kentucky, has caused much anxiety to the people of that State. They have remonstrated to Congress, repeatedly, and most solemnly, against it. Their remonstrances have hitherto been unavailing. They have been patient, not from any proneness on their part to submit to judicial, or any other kind of tyranny, but from a love of order, and in the hope that their wrongs would be redressed by Congress; when that hope ceases, let the petty oppressors beware how, and upon whom, they exercise their ill-derived power. But, Mr. President, why should their reasonable expectations of redress from Congress be disappointed? What is there in judicial legislation which can enamour Congress with it? The excellence of all legislation is in the adaptation of the laws by those who make them, to the condition of those for whom they are made. The judges are not from among the people; they are, by their office, and their salaries, placed above the fluctuations, and freed from the cares, to which the people are unceasingly exposed. They cannot, therefore, if they were qualified, in other respects, be sufficiently acquainted with the will of the people, their wants and their sufferings, to legislate beneficially for them. But, sir, when did this idea of judicial legislation first present itself to the American people? The law of Congress, authorizing the judges to alter the forms of process, and to make rules for the regulation of its own judicial proceeding in court, was, we all know, passed in 1789, and re-enacted in May, 1792. But nobody ever thought that either of these laws conferred legislative power upon the judges. They themselves were unconscious of possessing any such power. The alteration of State process, in the article of form only, so as to adapt its use to the organic structure of the Federal Courts, was known to be all that was intended by Congress, in those acts. Nor, sir, did the courts ever dream of exercising any other or further power under color of those acts, until since the war, and the establishment of the United States Bank. The experiment was first made in Kentucky, in the case, and under the auspices, of that Bank—backed by all the talents, influence, and weight of character, which that institution possesses so amply the means of enlisting. The experiment was, unhappily, but too successful. The gentleman from Massachusetts tells us, that

the invalidity of the Kentucky execution laws was a great evil, and that the judges were called upon to apply the remedy. It is admitted to be the duty of the judges to apply the remedy. But it is asserted to be the right of the Legislature to make it. Every remedy presupposes an evil. To explore the condition of society, to ascertain the existing evil, and to frame and suit the remedy to the evil, is the province of the statesman. To apply the remedy, when provided, is the duty of the judge. Neither should trench upon the province of the other. These different duties require very different capacities and attainments, so that the apology, offered by the gentleman, for the judges, is, at best, but the stale apology for oppression. The plea of necessity is the habitual excuse for tyranny. But if the judges had felt the urgency of that necessity, which the gentleman asserts in their behalf, why did they not refer the case to Congress, whose exclusive province it is to legislate for the tribunals of the United States. Sir, the legitimate source of the governing power in this country, as we all know, is in the people. None can be exerted by any public functionary which has not been delegated.

How much more becoming and decent would it have been in those judges, if they had even believed the State laws to have been unconstitutional, to have surrendered their judgment to that of the people of the State, until Congress could have passed upon the subject; to have supposed that, according to any, and every rational criterion of correctness, that half a million of intelligent people who compose the State of Kentucky, were right and they wrong; than to have bewildered themselves in the mazes of abstraction, to find that the legal obligation of a contract consisted in the remedy alone. Sir, the logic of the judges upon this subject is new, and somewhat curious, but more dangerous than either. It is thus they reason: "The Constitution of the United States provides that no State shall pass any law impairing the obligation of contracts; the obligation of a contract consists alone in the remedy for its enforcement; any State law which varies the remedy, impairs the obligation of all existing contracts, and is, therefore, as to them, unconstitutional and void." The evident tendency of this doctrine, if its absurdity could be tolerated, is consolidation. It is to paralyze the States by denying them the exercise of the legislative power, upon which alone, their freedom and their happiness depends. The laws of right and wrong, are divine and unalterable. The laws for the suppression of wrong and the enforcement of right, are human, and may be modified and varied to suit the varying or varied state of society, as the wisdom of the people, legitimately exercised, shall dictate. The language of reason which has had the practical sanction of all free Governments, and without which free Governments could not exist, is that the remedy is in the discretion of the sovereign legislative power. The gentleman may say—as he had said in re-

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lation to the execution law of Kentucky—the sovereign legislative power may be misexercised or abused; and, in that case, the Federal judges must apply the remedy to the evil. He would answer, that the power of enacting remedial laws must be lodged somewhere, and that the people were, at least, as safe a depository of that power as the judges; besides, if it were lodged in the hands of the judges, they too, might misexercise or abuse it; and who, in that case, should apply the remedy to the evil? For the doctrine of the gentleman is, that wherever there is an evil there must be a remedy. Mr. R. said he agreed that there ought to be a remedy for every evil; he was sorry, however, to say, that the fact was not always so. There existed many evils, for which remedies had not been provided; and among the most enormous and grievous evil of that character, was the usurpation of legislative power by the judges. He should be glad to see the gentleman support his doctrine by his vote, and assist in furnishing the appropriate remedy for this most afflicting evil. This evil, which, by violating the great principles of our free institutions, leads to, and threatens the destruction of our liberty; which, by usurping the power of the States, threatens their absorption; which, by conceding to the judges the exercise of legislative power, denies to the States the right of regulating their own remedial system, according to their own will. Sir, the gentleman would remedy what he miscalls an evil in Kentucky by an infinitely greater evil. He says, virtually, that the people of that State have abused the legislative power, and proposes to remedy the evil, by transferring that power to the judges, without providing a remedy for its abuse by them. He is right in proposing no remedy for their abuses of this power; for when it is once conceded to them, it will be idle to talk of a remedy for their perversion or abuse of it. It must be irresponsibly, and will, of course, be irremediably exercised. But are we prepared for such a state of things? Are we prepared to sanction beginnings, which will lead to such a result? Mr. President, the boundaries between right and remedy are planted deep in nature—the distinction between them is obvious and plain. Shall they be confounded, and the States be deprived of their legitimate power, by judicial mysticism? Shall it be filched from them by judicial subtleties, or extorted by the force of sophisms? Sir, the new theory of obligation is too wire-drawn, too sublimated, too evanescent, for the use of a republican people. The judges should be permitted to amuse themselves with it as a sparkling abstraction, a pretty little brilliant, a glittering pageant of the fancy, or, if you please, an intellectual aurora borealis—but nothing more or farther. They should not be allowed to experiment with it upon the common sense of the people, at the hazard of their liberty: still less should they be permitted to impose it upon the people as the plan, upon which alone

they could exercise the power of remedial legislation. They should not be permitted to send it abroad among the States as a destroying angel, as impalpable, and as destructive of their rights, as was the visit of that mysterious agent to the first-born of the Egyptians. Sir, mystery on the part of the political agents, in any Government, is the sure harbinger of the oppression of the people. It addresses itself to the credulity, not to the common sense of mankind. And common sense, or the power of reason, is the criterion to which alone should be referred the propriety or justness of any measure which may affect the liberty or the happiness of man. To the test of this standard alone, should every thing which affects his rights or his interest be subjected. Common sense revolts at the idea that the Legislature may provide a remedy for contingent and possible evils; but ought not, and cannot, exert any remedial agency for the mitigation of a present and urgent evil. That they may provide a remedy for evils which may never happen, but cannot, by any exertion of the remedial power, soften those which are present and pressing. Sir, a wise Legislature is like a wise and skilful physician, whose duty it is, not only to prevent, but, by remedial applications, to cure maladies, and to soften, by judicious lenitives, those which cannot be cured.

One gentleman (Mr. McLANE) says, that the Judiciary is the most important department in our Government. He compares it to a fixed star, shedding its clear, but mild light, throughout the political horizon. He, too, pronounces a eulogy upon the judges, and says they can have no motive to do wrong. It is (said Mr. R.) a sound rule in legislation to suppose the worst, and provide against it. The judges are men, and however good they may be, their successors may not be so. Wise men are subject to the errors of human frailty; foolish and vicious men are never without motives to do wrong. The judges are men, and it is wise in the Legislature to guard against the injurious exertion of their power, either weakly or wickedly. While, like the fixed star spoken of by the gentleman, they continued to occupy their appropriate sphere, and to shed their lustre upon the other departments, they would have his approbation. But when, instead of the benignant beamings of a fixed star, they pursued the erratic and desolating course of a blazing comet, threatening destruction to their co-ordinate orbs, he must be pardoned for withholding his approbation. But, to change the figure of the gentleman, for one less sublimated, he would say that the judges, when caught poaching upon the legislative manor, should be driven off, and taught to confine themselves to the judicial demesne; and, dropping the figurative, into which he had been seduced by the gentleman from Delaware, he was willing to admit that the Judiciary were an important department in the Government. But their important usefulness consisted in the enlightened and

faithful performance of their appropriate duties. Their duty was, he repeated, to expound, not to make laws. It was very far from his desire to disparage the Judiciary, or the judges. He would avoid, alike, an idolatrous admiration, and a causeless censure of the judges. They were not more, and he would not have them thought to be less, than men. But he protested, once for all, against the morbid sensibility displayed by many gentlemen, whenever the powers or the duties of these judges were drawn into discussion. Sir, the judicial power is not of a complexion so delicate, nor of a texture so tender, that it cannot bear the breath of dispassionate scrutiny—at least such was not the character of that portion of it which was exerted in vacating the execution laws of Kentucky, and in creating a code of its own. It was hardly enough, in that instance, to defy and override the public sentiment of that State—and to outrage decency and consistency in the manner of doing it, as he trusted he had sufficiently shown in that part of his argument, which related to the Execution Code enacted by the judges. He would venture to predict, without pretending to a spirit of prophecy, that whenever the most vigilant scrutiny of the people's representatives shall be withdrawn from that department, the liberties of the people will be endangered. Sir, that is the department through which oppression of every kind, and from every quarter, will attempt to smuggle itself upon the people. It is under color, and through the avenues of justice, in every Government, that corporations exert their aristocratic influences. It is through that medium, masked in the forms of rules and usages of law, that oppression of every kind finds its way to the people. The power of wealth and of all the factitious distinctions which arise in society, is harmless without the connivance of the judges. Sanctioned by them, it is resistless—it is ruinous. Liberty, Mr. President, is never taken from a people at once, in their aggregate capacity. It is taken now from one, and then from another, under pretence of law, and with the sanction of its forms, until the only liberty left, is the liberty of the rich to oppress the poor—the strong, the weak; and it ceases to be enjoyed by the citizens, only because of the resistless sanctity with which it has been wrested from them. Sometimes, indeed, it loses its fragrance by the frequency of its violation, and the people abandon it in disgust, or submit in despair. But in no free Government can the people be oppressed or enslaved without the consent of the judges.

No man, as you may perceive, sir, said Mr. R., rates the judicial character higher than I do. But it is only valuable when it does its duty, and then it is inestimably so. He was, therefore, for requiring the judges to do their duty, their whole duty, and nothing but their duty. The difference between the Senator from Delaware and himself, consisted in the supposition, by that gentleman, that the judges

would always do their duty, and no more; and by him, that they might, and would, if the restraining vigilance of the people were withdrawn, often transcend their duty. He was willing to appeal to history, ancient or modern, for the correctness of his opinion. He was persuaded that both would bear testimony in his favor. But why appeal, said Mr. R., to history? Why go to Rome, to Greece, to Carthage, or to England, in quest of facts? Have we not facts enough at home—at hand—of a modern and domestic character? Have not the Federal Judges boldly and unblushingly enacted a code of Execution Laws for the Kentucky District? Has not that State again and again remonstrated against their usurpation of the Legislative power? It was alleged by Cicero, in his prosecution of Verres, as an outrage of the utmost enormity, that, in his character of Quæstor, he had caused the punishment of stripes to be inflicted upon a Roman citizen, for an alleged crime; and that too, in the most degenerate state of the Roman Republic. And shall it be thought a light matter, in our Republic, yet in its youth and vigor, that two Federal Judges passed a law subjecting the free citizens of the State of Kentucky to imprisonment for debt, contrary to the laws of that State? That they not only passed a law, making indebtedness a crime, but actually inflicted, by their decision, the punishment of imprisonment, by virtue of their own law, upon many unfortunate debtors within that State.

Now, sir, said Mr. R., if to inflict stripes upon the body of a Roman citizen charged with a crime, could draw forth from that immortal orator and patriot such a burst of indignant eloquence, what sensations of indignance ought to be felt by the patriots of this free and enlightened country against the judge who, without color of crime—unless bereavements and misfortunes subject their victims to that imputation—by a law of his own enactment, and by his own decision upon that law, and by the agency of his own marshal, has thrown into prison all the debtors of his court!—who has ordained, by rule of court, that poverty shall be punished with loss of liberty! Sir, this is a point upon which, it would seem to me, there ought to be one opinion in this body and throughout the United States. If you accord to the judges the power of making laws, you do by that very act surrender to them the sovereign power of the Government. If you permit them to carry into effect, by their own judgment, the laws which they shall have made, you transform the Republic into an Oligarchy; and if, in addition to the power of making and interpreting the laws, you permit them to execute them, you substitute despotism for republicanism, and oppression and slavery for freedom.

But I feel almost ashamed to be urging upon this body arguments of any kind, to prove what ought to be taken for granted. Sir, that the Legislative, the Judiciary, and the Execu-



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tive powers, should be kept separate and distinct, and should be exercised by distinct bodies of magistracy, is an elementary truth acknowledged by all. It is recognized in most of the State Constitutions, and declared to be essential to the freedom of the people; and, in the Constitution of the United States, they are separated with an emphatic caution. And yet the assumption of this power by the judges seems to excite no alarm. So far from exciting alarm, it is approved and advocated by some of the most distinguished members of this body.

Mr. President, there is a portentous indifference displayed by the States in relation to the violation of the great principles upon which their rights depend. When those principles are outraged in the case of any one of the States, the injured State complains, but her complaints are not heard, or rather, not regarded, by the others; or, if heard, they are regarded as the ebullitions of a feverish impatience, of a restless and insubordinate temper, entitled rather to reprobation than sympathy. And what can the injured State do more than complain? She cannot alone repel encroachment upon her rights, by the General Government. The strength of each State is in the united efforts of them all, or at least, of a majority of them. And how can that majority be enlisted in the cause of the injured State? Not by an appeal to her violated principles of State rights, nor by any portraiture of the wrongs which have been done her—nor by any invocation or remonstrance she can make: for Kentucky has repeatedly remonstrated to the Congress on the subject of the usurpation of the legislative power by the Federal Judges.

Sir, it is greatly to be feared that it is with States as with individuals—they are only to be awakened to a sense of their wrongs, by their sufferings. It is owing almost exclusively to this cause that tyranny prevails, or oppression exists, or ever has existed, in the world. The heavy hand of tyranny is never laid upon a majority of the people at the same time. If they were awakened by their injuries to a sense of their rights, they would annihilate the tyrant. It is so with the States—if a majority of them had seen the Federal Judges defy their laws, and dispose of the property and the liberty of their citizens, by laws arbitrarily made by themselves, they would have felt the outrage keenly, and redressed it instantly. But he feared that, until the judges should exert their legislative power in the other States as oppressively as they had in Kentucky, they would not awaken to the dangers with which they were threatened. They would not awaken to the consciousness that, in their connivance at the wrongs inflicted upon Kentucky, they virtually surrendered their own rights, to the extent, at least, of the violated rights at which they have connived. But why talk of rights? When you have surrendered to the judges the power of legislation, there are no rights left.

You may, and no doubt will, have a splendid, but you will no longer have a free Government. You may have fine roads, and magnificent canals, made for you out of your own money, and by this bright illusion your attention may be diverted from the insidious underminings of your rights and your liberty by the Judiciary Department of the General Government. But unless you associate with a quenchless love of liberty, and an invincible ardor to maintain it, the most untiring vigilance, your roads will be travelled, and your canals navigated, by an oppressed and enslaved, and not by a free people. Sir, even now, while the judges are legislating for the States, the General Government has, through the head of the Treasury Department, asserted its right to regulate the labor of the people of the States. Sir, the master regulates the labor of his slaves—a free people regulate their own labor.

Mr. President, I could not but remark, that in the discussion of this matter, the gentleman from Massachusetts (Mr. WEBSTER) instead of arguing the question relative to the right of the judges to make execution laws—instead of attempting to prove, by some principle in the science of politics, heretofore undeveloped, that this power to legislate might be judiciously and safely inferred for, and confided to the judges—has, throughout, taken it for granted that they possess the power. He is willing, to be sure, to limit it—to restrain it. He is willing that they shall not legislate as to the manner in which lands and slaves shall be sold, under execution, in Kentucky. But, sir, that will not satisfy the people of that State—it ought not to satisfy the people of the United States. The people of Kentucky insist that either Congress shall furnish an execution code for the United States Courts within the States, or that executions emanating from those courts shall be carried into effect according to the execution laws of the States respectively. They insist that the Congress and the Legislatures of the States possess the only law-making power which exists among us. They deny that either is so far decayed as to grow and sustain this excrecent power asserted for the judges. They will have none of it, and they invoke you to save them, by removing it, from the unpleasant necessity of resisting it. There is a point beyond which any thing would be better than forbearance. Kentucky has been made to drink deep of the cup of humiliation—her whole remedial system has been, at one time or other, violated by those judges. First, the power of legislating over the soil within her territory was denied to her in the vacation of her occupying Claimant Laws. Next, her replevin and valuation laws were vacated. And last, though not least, her citizens were imprisoned by them, under color of rules made by themselves, and in contravention of the laws of the States. Her patience and forbearance has not been exceeded by even those enormities upon her rights. Her confidence in



the General Government has been the cause of her patience. She has looked to that Government for the redress of these outrages. The fate of this bill will determine whether her confidence has been well founded or not.

The motion to reconsider was agreed to.

MONDAY, February 25.

*The late General Brown.*

MR. HARRISON, Chairman of the Committee on Military Affairs of the Senate, said: I rise, Mr. President, to perform a most painful duty—that of announcing the death of Major General Jacob Brown, the distinguished commanding general of our army. He died yesterday, in this city, at half-past twelve o'clock. I am aware, Mr. President, that, in the performance of a duty of this kind, something like an eulogium upon the character and actions of the hero whose loss we deplore, might be expected. At all times unequal to such a task, I am particularly unfitted for it at this moment. Besides, what could I say of General Brown, that is not already known? His best eulogium would be found in a recital of his brilliant achievements, and with these every Senator present is familiar. We all recollect, sir, with what thrilling anxiety our attention was turned towards the Niagara frontier, in the late war, when it was announced that an officer of acknowledged bravery indeed, but without military education, and with limited military experience, had been placed at the head of our army. We must also recollect with what joy and gratitude to Heaven, we heard of his first brilliant exploit, rapidly followed by a second, and with what perfect confidence we then relied, that the final result would be such as it was—eminently glorious to himself, his army, and his country. Sir, said Mr. H., I will turn from this scene to one of a different character, but not less interesting, and eminently calculated to show the ruling passion of his soul, at a moment when there can be no deception, no affectation of that which is not real. It was the good fortune of General Brown to be surrounded on his death bed by a large family. A wife, who was entitled to all his tenderness; and children who justly merited his affection. In such a scene, on such an occasion, it may well be supposed that his mind would be turned with intense anxiety upon the future fate of objects so justly dear to him; and such was the fact. He knew that the head which had directed them, would soon be cold; the hand from which alone they received their daily support, would, in a few short hours, be lifeless, and no longer able to supply it. But, after having committed these beloved objects of his affection to that Almighty Power which had hitherto protected them, his thoughts incessantly turned to his country—to that country which he had so faithfully and successfully served, for which he had bled, and for which, as he believed, he had given his life. He spoke with raptures of her happi-

ness, of her exalted rank among the nations of the earth, and her glorious destinies; and almost his last sigh was breathed for her continued prosperity. Such, sir, said Mr. H., was the man, in life and in death, for whose memory I ask the tribute of respect contained in the resolutions which I now submit:

"Resolved, That the Senate have learned, with deep regret, the death of Major General Jacob Brown, the late Commanding General of the Army, and the distinguished leader in the glorious battles of Chippewa, Niagara, and Erie, in the late war.

"Resolved, That as a mark of respect to the deceased General, the members of the Senate will wear the accustomed badge of mourning on the left arm for one month.

"Resolved, That, if the House of Representatives concur, the Senate will, in conjunction with the House of Representatives, attend the funeral of Major General Brown, on Wednesday next, at twelve o'clock."

Mr. SMITH, of Maryland, opposed the first part of the resolution. He thought it would establish a bad precedent, to go into mourning for any individual other than a member.

Mr. CHANDLER expressed his high opinion of the great merit and services of General Brown. He thought, however, that when a military man died, it was an appropriate ceremony to bury him with the honors of war. He thought with the gentleman from Maryland, that it was a new thing for the Senate to go into mourning on the occasion. He believed such a method of expressing regret for a military man, was not countenanced by the legislative bodies of any country. He should, therefore, be forced to oppose that part of the resolution.

Mr. NOBLE said, that if he voted against the resolution, he wished the reason to be understood. He was averse to the precedent which would be established by resolving to wear mourning for a military man. The case of General Washington was no parallel with the present. He was the saviour of his country—he had been at the head of its Executive—and lived in peace, as in war, the first, most virtuous man of the age. At his death the whole country was plunged in mourning; and it was consistent that the Legislative bodies should wear the badge. He was averse to voting against this resolution, because he regretted the death of Gen. Brown, and sympathized with the feelings of his family. He wished that the portion of the resolution which declares that the Senate will go into mourning, might be withdrawn; as he thought a homage of this kind to a military man, would assimilate us too much to a despotic Government. In every other case, the members of each separate profession bestowed these honors on their deceased companions. The members of the bar wore mourning for one of their fraternity; and Legislative bodies did the same. The army, he believed, went on the same principle; and there it ought to stop. He did not wish to encourage any practice which should take the

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shape of idolatry, for services, however great. He was sorry that he felt constrained to make these remarks. He honored General Brown in every station; he lamented his death; and in every consistent manner he was ready to testify his respect for his character, and his memory. Nothing was farther from him, than to treat with disrespect the feelings of the family of the deceased, with whom he sincerely sympathized.

Mr. BELL moved to strike out so much of the resolution, as related to the Senate wearing mourning.

Mr. HARRISON acceded to such a modification, and the resolutions having been so amended, were agreed to.

A joint resolution of the other House, for the appointment of a committee of three from each House, to make arrangements for the funeral of the late General Brown, was received and concurred in.

FRIDAY, February 29.

Agreeably to notice, Mr. HARRISON had leave to introduce a bill for the relief of Mrs. Brown, widow of the late Maj. Gen. Brown; which was read twice, by unanimous consent, and referred to the Committee on Military Affairs.

*Office of Major General.*

The resolution submitted yesterday by Mr. CHANDLER, to abolish the office of Major General in the army of the United States, was considered.

Mr. CHANDLER said that he fully believed the office of major general was not necessary in the present state of our army. This was no new opinion, but had long been entertained by him. In the year 1821, a bill was brought into the other House to fix the military peace establishment; and a vote of the House was taken on the question of retaining one brigadier general, and decided in favor of it by a large majority. But the friends of General Brown moved an amendment to the bill, and had sufficient influence to succeed, and thereby ensure his retention in the service. Mr. C. said he was not easily induced to second the views of the friends of General Brown; but he did eventually vote for the amendment providing for one major general and two brigadier generals. He had after regretted the vote he then gave, and had determined, on the first occasion that might offer, by the vacancy of the office, to move to abolish the office of major general, convinced, as he was, that a feeling of gratitude to General Brown, and not the sober judgment of Congress, had retained him in the office. One brigadier general was, he thought, sufficient for the present condition of the wants of our army. There would be two brigadier generals left, after the abolition of the office of major general, and they would be able to do all the duties which could be re-

quired or needed from a major general in a time of profound peace. The measure would also be a saving to the country of a considerable annual sum.

Mr. HARRISON observed that, until this morning, he had not been aware of the tenor of the resolution offered yesterday by the gentleman from Maine. He had supposed that it was in the general form of resolutions for an inquiry. On the contrary, he found it to be an imperative direction for the abolition of the office of major general. The ordinary course was, to refer all such matters to a committee, which would investigate the practicability and expediency of carrying into effect the measure proposed, and make a detailed report to the Senate of all the circumstances relating to the subject, and probable effects of its adoption. In its present aspect, the resolution met with his decided disapprobation. It was well known that, besides the major general, for whose death so much regret was now felt, there were three major generals by brevet. If the object of the resolution went no further than to refuse to fill the vacancy made by the death of General Brown, it would, in fact, not make the change anticipated by the gentleman from Maine. Each officer would take his rank, pay, and emoluments, as pointed out by the present regulations. If economy was, therefore, the object, the resolution would not compass the purpose for which it was offered.

Mr. CHANDLER said that his object was to abolish the office altogether. He would, however, go farther, and endeavor, by some additional provisions, to avoid the effects predicted by the Senator from Ohio.

Mr. SMITH, of Maryland, said he understood the object of the resolution to be to abolish whatever related to the office of major general. He dissented from the Senator from Ohio, as to the operation of the measure. Every officer, in case it should go into effect, would remain in the present rank, until promoted by the due course, which was the nomination of the President of the United States, and the consent of the Senate. Without this process, the vacancy made by the death of General Brown would remain without an incumbent. Nor did the death of this officer make a regular routine of promotions a matter of course. The President might nominate some citizen to fill the office, as in the case of General Brown, and of General Jackson, who were taken from the people. The President was not bound to promote the brigadier generals. He did not think the rank of major general necessary, and he knew well the reason for retaining in the service the brigadier generals after the war. They had done great service during the war, and the country felt too much gratitude for those services to allow them to be turned off. It was not that they were needed to command our little army of 6,000 men. There seemed to him no difficulty in the question. The office was not required by the existing state of things;

and he should, therefore, vote for the resolution of the gentleman from Maine.

Mr. HAYNE observed, that it was the usage to appoint a committee consisting of men most conversant with military affairs, to whom all questions on the subject were referred, as it seemed, as a matter of course. The gentlemen from Maine and Ohio, who now differed so widely on the subject, were members, and it was certainly expedient to refer the resolution to their investigation. The proposition of the gentleman from Maine was, he apprehended, a departure from the rules of the Senate; and he thought would produce much embarrassment, if persisted in. There were many considerations which would most appropriately occupy the attention of the committee, and which ought to be examined before the Senate passed upon the resolution. They must inquire what the effect of the abolition of the office of major general would be upon the brevet generals, and upon the army, and its discipline. Upon these, and many other questions which naturally presented themselves, and which could not be settled in a partial or hurried investigation, he wished the committee might deliberate and report. He found an additional reason for wishing the reference from the diversity of opinion that had been shown by the two gentlemen of the military committee. They are totally at variance in their opinions of the operation of the measure, and others, who are not so well versed in military affairs, may well, under such circumstances, ask for information. Let us, therefore, send the resolution to the military committee, that these gentlemen may meet each other, investigate the whole subject, compare their views, and report whether it is expedient to abolish brevet rank altogether, or whether the country will be served by abolishing the office of major general. When this is done, the Senate will be prepared to act understandingly on the subject. With these views, he was in favor of referring the resolution to the military committee.

Mr. MACON said he thought the gentleman from South Carolina was mistaken. He believed the rule was to settle the principle of any question first in the Senate, and then to send it to a committee to settle the details. He alluded to some instances of this in former legislation. As to the project itself, it met with his approbation. He believed, if a nation went to war, it was bad to have too many high officers. They were not generally the men who did the most for the glory of the army. By whom, said Mr. M., were your great exploits performed during the last war?—I don't mean to say any thing against the old men—they were performed by men in the vigor of life, and full of ambition. And if you have another war, it will be so again. There was always about an equal share of military talent in every army. Times of peace did not call out that kind of talent. When war came, the

kind of character you want will come out, nor was it necessary to be seeking it out when it was not wanted. In time of need, military genius will always show itself without its being necessary to search after it. He was in favor of abolishing the office of major general, and thought it not necessary that it should be submitted to a committee.

Mr. HAYNE rose to move an amendment of the resolution, but

Mr. BERRIEN moved a substitute to the resolution, making its object matter of the inquiry of the military committee, to report upon it by bill, or otherwise.

Mr. SMITH, of S. C., hoped the amendment would not prevail, because the discussion of the question could as well take place now as hereafter. The subject had, in former times, been thoroughly debated. After the war, the subject of a peace establishment engaged the attention of Congress. The number of men to be retained was fixed by different persons variously, from 10,000 to 20,000; the former number was fixed upon. Afterwards, in 1821, the matter was again discussed, a further reduction proposed, and the army was brought down to 6,000, and certain officers were to go off the list. It was then argued that the officers could not be dispensed with; that their numbers could not be reduced without destroying the army, by lessening the discipline which they assisted to keep up. Next year, however, Mr. Monroe, in his Message, stated that the affairs of the army went on well, and that its present organization was as it should be. It was well known that the office of major general would not have been retained but for the merit of the incumbent. He had fought several battles; displayed great skill and courage; and was unwilling to leave the service. To retain him, therefore, and as a reward for his services, he was made major general. General Jackson, who was willing to retire, was appointed Governor of Florida. That the office was useless, he never had a doubt. In the days of Jefferson there was but one brigadier general retained upon the peace establishment. Nor was there any greater necessity for a major general now than then. The army was at present billeted about in parties of twenty men in a place—the whole consisting of but 6,000—yet, with all the discipline, and out of this small number, by the documents, it appeared that from 1,500 to 2,000 deserted every year. He recollected that, at the time of the appointment of General Brown as major general, it was argued that it was necessary to have the commanding officers at the seat of Government, that they might despatch the orders from the Department, and be directly in contact with the Government. But he knew not one advantage that had arisen out of it. Your army, said Mr. S., is overstocked, and there are now, in this mere shadow of an army, officers enough for one of 50,000 men. All the facts were now before the Senate. Every member was

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more or less acquainted with them. He, therefore, thought it better to let the gentlemen of the committee express their views here. Or, if they are taken off their guard by any sudden argument, let them ask for delay. He would favor such a request. He wished to hear the views of gentlemen conversant with the subject, and hoped they would express them before the Senate.

Mr. BENTON was of opinion that the decision of the Senate, on this resolution, would not be assisted by the investigation of a committee. He believed its discussion in the Senate would be equally productive of a satisfactory result. Not thinking, however, that the subject could be decided in a moment, he thought the resolution of the gentleman from Maine had better be laid over until another day. With this view he moved to lay it on the table until Monday; but observed that he would withdraw the motion, if any gentleman desired to express himself.

Mr. TAKEWELL remarked, that he did not understand the reason for wishing for a precipitate decision. The gentleman from Maine did not oppose the motion of the gentleman from Missouri to lay the resolution on the table until all the members should have become informed upon the subject. But it is said that it is proper to refer the subject to a committee. This is a statement to which a doubt may be started. In different bodies the modes of proceeding are different. Had this resolution been introduced in such a body as the House of Representatives, it would have been committed—to what?—To the Committee of the Whole, because, as it affects the whole country, every member ought to have an opportunity to hear the arguments *pro* and *con*, and to offer his opinion upon it. But in this body, said Mr. T., it is the same thing to submit a subject to the whole Senate, as in the House to refer to the Committee of the Whole. This was the reason why he thought the resolution should be laid on the table until every member was satisfied with the opinion he should have formed upon it. There were subjects of great importance, which ought not to be referred to a Committee of the Whole, because they depend upon facts not accessible to all the members, and which could be more easily obtained by a Standing Committee, or of which the members might be in possession. But was this such a subject? The questions he would ask were: Does this subject interest the whole country?—and is it necessary that it should go to a committee to obtain the facts? Now, sir, said Mr. T., I think we can get as much information in the Senate as from the Committee on Military Affairs. Besides, the opinion you get from the committee is but the opinion of a majority of its members. You do not hear the opinions of the minority, while, if it was discussed in the Senate, you get the opinions of all. Therefore, this being a subject which interests the whole Union, and which, in the other House, would be

referred to a Committee of the Whole, and as the subject under consideration can as well be understood without a reference to a Select Committee as with, he was in favor of laying it on the table.

The question was taken on the amendment offered by Mr. BERRIEN, and decided in the affirmative.

MONDAY, March 8.

*On the Public Debt.*

On motion of Mr. BENTON, the Senate proceeded to the consideration of the following resolution, submitted by him on the 26th ult.:

"Resolved, That the Committee on Finance be instructed to inquire whether any error has occurred in the construction of the fourth section of the act, entitled '*An act to provide for the redemption of the public debt*,' passed the third day of March, 1817, in reference to the amount of surplus revenue to be retained in the Treasury; and if so, to report an amendment for restoring the section to its true intent and meaning.

"Also, That the same committee be instructed to inquire into the expediency of so altering and amending the same section (if no error be found in the construction thereof) as to reduce the amount of surplus revenue required by that section to remain in the Treasury, from two millions of dollars, to one million or less.

"Also, That the same committee be instructed to inquire into the expediency of so altering and amending the fifth section of the same act, as to invest the Commissioners of the Sinking Fund with a *discretionary*, instead of a *limited* authority, in making purchases of the public debt, at its *market price*, whenever, in their judgment, such purchases can be made beneficially for the interests of the United States, and when the state of the Sinking Fund and existing engagements will permit them to do so.

"Also, That the same committee be instructed to make a report to the Senate, showing within what time the present debt of the United States may probably be paid off; and upon what articles, and to what amount, the present duties may *then* be reduced or abolished, consistently with the general interests of the whole Union."

Mr. BENTON said that the first branch of the resolution went upon the supposition that there was an error in the construction of the Sinking Fund Act of 1817, and that he might avoid all occasion for misapprehension, here or elsewhere, he would say at once, that this error, if it existed at all, was of older date than the existence of the present Administration; and, of course, that the inquiry that he proposed to institute, whatever might be its result, was not intended to have any bearing on the conduct of gentlemen now at the head of affairs. He believed, himself, that the error existed, that it was injurious to the public service, and that it was the duty of the legislative department of the Government to correct it. The fourth section of that act directed, that, whenever, "*in any year*," there should be,

"at the rise of Congress," a surplus in the Treasury of more than two millions of dollars, above the appropriation for the service of "*such year*," that all the excess above that sum should be forthwith paid to the Commissioners of the Sinking Fund, to be by them immediately applied to the purchase or redemption of the public debt. The words of this section, said Mr. B., are as clear and positive as words can be, in limiting the amount to be left in the Treasury, to two millions of dollars, over and above the appropriations for the year; but the construction which has been put upon them, as we see from the annual Treasury Reports, makes these two millions to be exclusive of the unapplied balance of the previous year's appropriations. These unapplied balances usually amount, at the end of each year, to upwards of three millions of dollars, and are usually reduced, in the course of the first quarter of the ensuing year, to less than two millions; so that a reservation of two millions, at the rise of Congress, is amply sufficient to meet them. The difference of the two constructions is, that, by my construction, there must be a surplus of two millions in the Treasury before any thing can go to the Sinking Fund; by the Treasury construction, there must be a surplus of about four millions first.\* This construction is clearly at war with the words of the statute, and still more with its plain intent and obvious meaning. Its intent was to hasten the extinction of the public debt, and for that purpose to prevent a single idle dollar from lying in the Treasury; but this construction leaves two millions idle in the Treasury, or rather in the Bank of the United States, idle to us, though it may be productive to that institution, while the people of the United States are paying its interest, equal to \$120,000 per annum, to the public creditors.

Mr. B. entered considerably into detail, for the purpose of showing the nature and amount of these unexpended balances. He said they existed in all Governments, and must necessarily exist to a greater or less amount, according to the magnitude of their receipts and expenditures. To illustrate this, he would suppose that the present year was the first of the existence of this Government, and that the appropriation for its service was ten millions of dollars. Now, it would follow, of necessity, that the whole amount of this ten millions could not be paid out in the course of the year. Distance alone would prevent some demands from getting in; casualties and accidents would prevent the regular arrival of others; defec-

tive vouchers, or press of business in the offices, would prevent some from being adjusted, for weeks, or months, after they came in; in some instances the service could not be rendered, the work could not be done, the contract could not be performed, for which the money was to be paid, until after the lapse of the year; and in many cases, the amount appropriated, would be more than enough, and would leave a balance that would not be called for at all. From all these causes, it would certainly happen, that a considerable portion of the ten millions voted for the service of the year, would remain unexpended at its end; and so on, year after year, as long as the Government existed. The history of our own Government shows that these balances amount to upwards of three millions of dollars; and they are always considerably reduced in the first quarter of the ensuing year, so that two millions at the rise of any session of Congress, is an ample allowance to meet them. It was upon the knowledge of these facts, that Mr. Lowndes, the able and accomplished author of the Sinking Fund Act of 1817, fixed upon two millions for that purpose; but even this I hold to be an unnecessary provision; for the annual appropriation of another ten millions before the rise of Congress, for the new year's service, would leave another unexpended balance of three millions to meet that of the preceding year; and so on, as long as the Government lasted; at the end of which, and not before, would the two millions be wanted to pay off the outstanding claims.

Mr. B. said, that the manner of stating the public accounts at the British Treasury, showed the nature and amount of these balances more plainly than they are seen in our annual Treasury Reports. The English used three columns, we but two. In the British account, the first column showed the *object* of the appropriation; the second showed the amount *appropriated*; the third, the amount *paid out*. In ours, we only see the *object* of the appropriation, and the amount *paid out*. The difference is, that in the British account, you see the balances in detail, upon each separate item; in ours, you only see it in gross, and that somewhere else, in the body of the report.

With respect to these balances, Mr. B. said they amounted to a large sum, constituting a standing deposit in the bank which had the keeping of the public money, and certainly yielded a handsome profit to that institution. In England, while the principal disbursing officers were their own treasurers, the profit on the keeping of these balances, was a perquisite of the office, and quickly made the fortune of the incumbent. The elder Mr. Pitt, when he was Paymaster of the forces, about the year 1740; was the first who refused to appropriate the profits of these balances to his own emolument, and accounted for them to the Government. The average balance in the Paymaster's hands, was then about 100,000 pounds sterling,

\* This reserve fund has since been raised to six millions, only tending to keep up an unnecessary amount of revenue. The fact is, experience shows there is no necessity for any reserved fund over and above the appropriations, because, as seen in every annual treasury report on the state of the finances, a large proportion of the appropriations, sometimes amounting to the fourth or the fifth part, remained unexpended.

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and interest about four per cent.; so that Mr. Pitt gave up about 4,000 pounds per annum, which any banker would have given him for the deposit and use of his balances. In later times, when the financial concerns of the Government were so much increased as to swell this balance to a million sterling, Mr. Burke, being Paymaster of the forces, followed the example of Mr. Pitt, and accounted to the Government for the thirty thousand pounds per annum, which it commanded from the bankers. At present, the Bank of England keeps the Government money, and the aggregate balances amounted some years, to eleven millions, equal to double the amount of our whole revenue. Whether the bank paid interest on so large an amount, he knew not, but he did know that the Bank of the United States paid nothing for the use of the public money in its hands; he believed there was often five or six millions on hand, from the collection of the public revenue; and he submitted it to the Senate to say, whether it was right or excusable, to augment that great and gratuitous deposit, to the amount of two millions more, by acquiescing in an erroneous construction of one of our own statutes?

Mr. B. proceeded to the second branch of the resolution, which proposed to reduce, or to repeal entirely, the reservation of two millions of dollars, if the construction he contended for was not adopted. If his construction was adopted, and the Act of 1817 amended accordingly, then the reservation might remain to pay so much of the outstanding claims of the previous year, as remained unpaid at the end of each session of Congress. But, if that construction should not be adopted, and the Treasury practice should continue, of reserving this two millions, in addition to the unexpended balance on hand, then the question would present itself, how far it was proper or justifiable to leave this two millions as a permanent and gratuitous deposit in the Federal Bank? He conceived it would be neither proper nor justifiable to make such an unprofitable disposition of so large a sum of the public money. There was no necessity for it, nor any possible way of using it for the public good. The common notion, that this reservation was a contingent provision for unforeseen demands, was unfounded and fallacious. No such demand had ever occurred since the foundation of our Government, and none such could be paid, if they did occur: for not a cent of this money could be used, until Congress should meet, and pass an appropriation law to draw it from the Treasury. No such reservation existed before 1817, and no part of it had been used since; and these facts should be sufficient to show the correctness of the construction for which I contend. But, if that construction is not adopted, the same facts will show the propriety of repealing the reservation *in toto*. The repeal would let two millions more go annually to the Sinking Fund than would otherwise go to it,

and would save \$120,000 of annual interest, a sum of sufficient magnitude to claim the attention of all the friends of economy.

The third branch of the resolution proposes to enlarge the authority given to the Commissioners by the 5th section of the Sinking Fund Act, so as to vest them with a discretionary, instead of a limited authority, in making purchases of the public debt at its market price. As the section now stands, the authority now given by it is nugatory. The limitations defeat its intention. The Commissioners are restricted from purchasing the three per cent. stocks until they fall to sixty-five dollars for a hundred, and the six per cents until they are at par; and the four and a half and five per cents they cannot purchase at all, because they have been created since the passage of the act, and are not included in it. The three per cents are now at 85, and will not fall lower except upon the prospect of being paid, (for the value of stocks is now in proportion to their duration;) the six per cents will never be at par; and the four and a half and five per cents are, some of them, irredeemable for seven or eight years to come. In the mean time, it is certain that the means of the Treasury will be competent to the extinction of several millions of debt more than is redeemable, and, unless the Commissioners of the Sinking Fund have authority to purchase at the market price, this large accumulation of money must either lie in the Federal Bank, as a gratuitous deposit, or be lavished upon objects which might not be thought of except for this tempting pile of money. The question, then, for Congress now to decide, is, whether this accumulation of money shall go to the bank for nothing, or be lavished upon unknown and unknowable objects, or be applied to the reduction of the public debt in the only practicable mode, that of purchasing it up before it is redeemable, at the market price. My own opinion is decidedly in favor of this last alternative. I believe that our Commissioners may be safely trusted with this authority. The British Commissioners have exercised the same authority since the first establishment of their Sinking Fund in 1816: they have purchased twenty times the amount of our present debt, and have never been accused of abusing their trust. Our Commissioners must be equally worthy of public confidence. They consist, and must consist, of men who cannot be presumed to lack discernment to see, or integrity to prefer the best bargain for their country. They are gentlemen who fill, and must fill, the highest offices of the country—the Vice President, the Chief Justice, the Secretaries of State and Treasury, and the Attorney-General. An objection to conferring this authority on such a body of men, cannot be an objection to them, but an objection to the object of the authority; that is to say, to the payment of the debt itself. That there are persons who will make that objection, is beyond question. I speak, not of Sen-

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ators nor of individuals, in or out of this Chamber, but of numerous and powerful classes of the community, whose sentiments are known to me. There are such classes, and I will specify them: 1. The holders of the debt are against its payment, because they wish to live at their ease upon the interest, and have the whole country bound and mortgaged to them for the ultimate payment of the principal. 2. The inhabitants of the places in which the debt is owned are against it, because it has drawn a hundred and fifty millions of dollars into their neighborhoods, and is still drawing on at the rate of three millions per annum. 3. Some disinterested people are against it, because they are afraid that foreigners will carry off the twenty millions owned by them, and make a dearth of money at home; as if the place of this twenty would not be supplied by the forty millions paid to domestic creditors, and which would then come into circulation; and as if the foreigners had not already three times carried away the amount of their capital in interest, and would again carry off its amount, in the same way, in every successive period of sixteen years, until the capital was paid! 4. Another class is opposed to it because they look upon a public debt as auxiliary to the strength and duration of the Government, by interesting the moneyed interest, and binding them to its support. This, Mr. President, is a very ancient doctrine, but not without its advocates in modern times. It is the invention of a crafty Greek, who had to make up in fraud what he lacked in force; I speak of Eumenes, who was Secretary to Alexander the Great. This man of the pen, upon the death of his master, put in, among the Generals, for a kingdom out of the wrecks of his empire; and having no army to sustain his pretensions, he had recourse to fraud to raise one and bind it to him. For this purpose he borrowed all the money he could from officers and soldiers, and then told them that their chance for payment depended upon their supporting him in possession of Cappadocia and Paphlagonia, provinces which he had marked out for his future kingdom. Of course these officers and soldiers did not want to lose their money; and, like provident men, fell in with the only course which could save it. They fought for Eumenes; they made him king, they made his children kings after him; and, in return, the king and his children made the people of the kingdom perpetual tributaries to these money-lenders, in the payment of interest on the sum borrowed. And this, Mr. President, is the origin of the notion which has been so compendiously expressed in our own country, in that famous declaration, *that a public debt was a public blessing*. In later times, and in our parent country, we have seen the policy of the crafty Greek revived and acted upon by a crafty Dutchman, William, Prince of Orange, who had need of both fraud and force to maintain himself on the throne,

from which he had chased his father-in-law. He also bound the moneyed interest to his support by borrowing their cash, and thus laid the foundation for that frightful national debt, which now overhangs and overwhelms the British empire. Such an example as this should explode the notion that a public debt was a public blessing. The doctrine, at best, is only applicable to monarchies, founded in force or fraud, and where one part of the subjects have to be bribed to keep the rest in subjection; and even then the debt must be large, diffused over the country, and held in many hands; while our Government is Republican, founded on the affections of the people, and our debt is small; one-third of it owned by foreigners, the rest centered in a corner of the Union, and held by a few. 5. The last class of objectors which I shall mention, consists of those who think our debt a trifle, which can be paid at any time, and who are for letting it alone at present, and applying our money to other objects. This, Mr. President, is the most dangerous class of objectors; for they are numerous, honest, perfectly well intentioned, and mean no harm themselves, but do the greatest possible mischief, by becoming the allies of the money-lenders, and of the sticklers for the blessedness of a public debt. It is to this class of politicians that Great Britain is indebted for her present tremendous debt. That debt is the growth of a single century—a short period in the life of a nation—and took its gigantic start in the very doctrine which I am now combating. At the commencement of the last century, this debt was but sixteen millions and a half sterling (about seventy millions of dollars)—very nearly the amount of our debt at present, and as little prospect of its growing to what it now is. One class of politicians were then anxious to pay it off; another considered it as a trifle, which could be paid at any time, and insisted upon applying the public money to other objects. This class prevailed; and what was the consequence? Why, sir, the season of peace, in which alone a public debt can be paid, passed away: wars came on; and one year of war creates more debt than many years of peace can discharge. The war for the security of the Protestant succession came on, and raised the sixteen millions to fifty-four millions; that for the Dutch barrier followed, and raised it to seventy-eight millions; then the seventy years' war, which carried it to one hundred and forty millions; then the war with us, which put it up to two hundred and thirty millions; and, finally, the wars of the French Revolution, which advanced it to nine hundred millions, equal to four thousand millions of dollars, at which it now stands, mocking all idea of payment, and crushing the people under a frightful load of taxes, to meet the annual interest. Such a result should be a warning to us. It should admonish us to eschew the policy which has proved so fatal in our parent country. It should caution us to pay

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our debt while we can, and not to run the risk of meriting from our posterity of a hundred years hence, the bitter reproaches which the English are the present day lavishing upon their ancestors of the reigns of Queen Anne and George the First.

The fourth and last branch of the resolution requires the Finance Committee to report on the probable time within which the present debt of the United States may be paid; and upon what articles, and to what amount, the duties now payable, may then be reduced or abolished. This is an inquiry, Mr. President, of the deepest concern to the people; and the report of the committee, if ordered to make one, will be looked for with the greatest impatience and solicitude. In my own opinion, our debt may be paid off in five years, and duties abolished to the amount of eleven or twelve millions. The debt is now, nominally, sixty-seven millions—in reality, about fifty-eight: for seven millions is in the United States Bank stock, which is worth more than par, and brings a dividend equal to its interest; and thirteen millions is in the three per cent. stock, which is fifteen per cent. below par, and may be bought for about eleven millions. A Sinking Fund of thirteen or fourteen millions would extinguish the actual debt, in five years, (letting all the public works go on as usual,) and it would require but little aid from our legislation to make that fund amount to thirteen or fourteen millions. It is ten millions now, and is increasing from the improving state of the commerce. The restoration of the 4th section of the Act of 1817 to its true and obvious meaning, would increase it to two millions more; and a more rapid sale of the public lands, according to the plan which I have had the honor to propose, would further increase it, to the amount of another million or upwards. Thus, in five years, the debt may be extinguished, and the great questions placed before Congress, whether the present revenue shall be kept up? And if so, for what objects? Or reduced? And if so, upon what articles the reduction shall fall, and to what amount? These will be great questions, worthy to engage the deliberations of the whole Union, and the discussion of them may develop a new line in the division of political parties. Some may be for keeping up the whole revenue, and making the Federal Government strong and splendid; others may be for a reduction of the taxes, and for limiting the revenue to the just and necessary support of a plain Republican Government. I shall myself be found in the ranks of this latter party; and to enable it to act best for the public good, it is necessary that the public mind be consulted before it acts. The abolition of duties will be a delicate and responsible task—it will be the counterpart of an imposition of duties—and should be executed in strict subordination to the will of the people. For one, I should wish my constituents to know my sentiments, and, in return, I

should like to know theirs. If we disagree, I promise them one of two things—either to execute their will, or to retire from my station. Here, then, is my creed: I am for abolishing duties *in toto*, as soon as the public debt is paid off, upon all articles of prime necessity, or ordinary comfort, which are not made at home at all, or not made in sufficient quantity to merit national protection; and I am for continuing them on articles of taste and luxury, and upon such rival productions of foreign countries, as our security in time of war, and our general independence as a nation, requires to be made at home. This is what I have said on a former occasion, and now repeat, because I have been misrepresented, and my words mutilated and garbled for party purposes. I will be more explicit, and specify some of the articles which I would select for exemption from duty. I will name coffee, of which we have imported forty millions of pounds weight in the year; teas, of which the imports have been ten millions of pounds; spices, imported to the amount of six millions of pounds; cocoa and chocolate, four millions; linens to the value of three millions of dollars. Upon these articles, and others of the same class, which might be named, the duties might be abolished, I apprehend, with advantage to manufacturers, as well as farmers and merchants: for they are necessities of life which enter into use in the living of every family, and lowering their price, would be lowering the price of labor, which the manufactory demands. Salt, sugar, blankets, and flannel, present another class of necessities and comforts, upon which some diversity of opinion might arise. They are necessities of life, and partially made at home, but not in sufficient quantity to answer the public demand. Large importations of them are made from abroad, and heavy duties are paid upon them. Of salt, we import four millions of bushels, the duty twenty cents to the Government, and ten cents profit on it to the merchant; of sugar, eighty millions of pounds, the duty three and four cents to the Government, and one more to the merchant; of blankets and flannels, we import to the value of a million and a half of dollars, paying above four hundred thousand dollars to the Government, and near two hundred thousand more to the merchant. Upon these items there may be diversity of opinion, and the will of the people should be known. Let no one say it is too soon for the people to begin to think upon this subject. I detest that saying, in all its bearings and applications. It is never too soon for the people to think, but often too late! It is not too soon for them to begin to think now about the abolition of duties. Their Representatives will have to act one way or the other, in four or five years; and would, doubtless, wish to be informed of the sentiments of their constituents. The report of the committee, which I propose to obtain, will give them that advantage. It will set the public mind to



work, and will enable the people to manifest their wishes in time to guide and enlighten the decision of their Representatives.

Mr. SMITH, of Maryland, said that the Committee on Finance did not, on any occasion, shrink from its duty, and they would take up the subject as speedily as possible. He would make but one remark upon the statements of the gentleman from Missouri, in relation to the two millions of dollars reserved in the Treasury. There were several contingencies to which this sum was liable. One was the practice of Congress frequently to make appropriations of large sums of money, not calculated on by the Secretary of the Treasury in his estimates; and then this sum came in and fulfilled the designs of Congress. Last year, this application of the two millions was made to a large amount. Congress made such liberal demands upon it, that but four hundred thousand dollars remained in the Treasury at the commencement of this year.

Mr. JOHNSTON, of Louisiana, rose in reply to Mr. BENTON. He said he should not oppose the reference of the resolution, which was the usual course; but he could not permit them to pass to the committee, after the elaborate argument by which they had been recommended, without expressing his entire dissent to the opinions and views of the gentleman from Missouri.

I do not believe there is any error in the act of the 8d of March, 1817, either in principle, or in the construction of it. I think the act plain, that there is no misconception of its meaning, and that it is founded in just views of our financial affairs. This act was intended to appropriate ten millions of dollars annually to the redemption of the public debt, after the year 1817, and was, consequently, a standing appropriation after the current expenses of the year, if the Treasury was adequate to pay it. This part of the law gives rise to no difficulty, as the reservation does not apply to this section. But an additional section of the act is in these words: "That, after the year 1817, whenever there shall be, at any time after an adjournment of Congress in any year, a surplus of money in the Treasury, above the sums appropriated for the service of such year, the payment of which to the Commissioners of the Sinking Fund will yet leave in the Treasury, at the end of the year, a balance equal to two millions of dollars, then such surplus shall be, and the same is hereby, appropriated to the Sinking Fund, to be paid at such times as the situation of the Treasury will best permit, and shall be applied by the Commissioners thereof to the purchase or redemption of the public debt."

By this section, two millions are directed to be left untouched in the Treasury, and all the surplus, after such reservation, is to be applied to the public debt. The gentleman from Missouri supposes that this reservation is either a misconception of the act, or is founded in erroneous principles, it being, as he supposes, un-

necessary to reserve, even by estimation, any money in the Treasury, and, consequently, that all the estimated resources for the year may be safely appropriated by anticipation. The act seems too plain to be misconceived, and has received a uniform construction by the Commissioners of the Sinking Fund. It must be a surplus of money in the Treasury, over and above the appropriation for the service of the year, and the ten millions, and the two reserved millions. The balance is surplus, and is, by the act, appropriated to the public debt.

"After the adjournment of Congress," the estimate is made for the year. The net balance of the Treasury, at the close of the year, (excluding what was appropriated for the service of the last year, and all funds not available,) is added to the estimated revenue of the year. A sum equal to the appropriations made by Congress for the service of the year is set apart—ten millions are directed to be applied during the year to the principal and interest of the public debt. If any balance remains in the Treasury, according to the estimate of the revenue, two millions is allowed to cover all deficiencies and variations of the revenue, and the surplus is applied to the public debt.

The reason why two millions was directed by the act to be reserved, was, that the calculation of the amount on which they are to operate, is founded on an estimate of what may be in the Treasury during the year, not what is actually there. It was known that our revenue was liable to fluctuations of two or three millions a year, from causes that could not be anticipated even one year in advance. Our importations are subject to variations, and the revenue arising therefrom to corresponding irregularities. There are, besides, inequalities in the different quarters of the year, that materially affect the receipts of the year; and we have experienced the same thing from the sales of the public lands, so as to baffle all calculation of the actual result of the revenue for the year. It was a knowledge of this uncertainty, in all financial estimates, that induced the reservation of the two millions, to guard against a probable contingency of applying more to the public debt than might be found in the Treasury. The wisdom and the foresight of this provision has been exemplified by the experience of the last ten years. In 1817, the estimated receipts from customs were twenty-four millions; the actual receipts exceeded that sum by two millions, and this is probably a solitary instance. In 1818, the estimated receipts were twenty millions; the actual were three millions less. In 1819, estimated twenty-one millions; and the revenue fell short near a million. In 1820, the estimate of nineteen millions was found by the result to be four millions too much. In 1821, the Secretary of the Treasury estimated fourteen millions; but the Committee of Ways and Means, with the same data, estimated 15 millions. It produced but 13 millions. These differences

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*The Public Debt.*

[SENATE.]

arise with the ablest men, with all the information necessary to a correct judgment. They can but approximate the true result. There are some facts and some principles which are useful in forming these estimates; but, with all their aid, it is but conjectural. There are no known laws that govern them. Experience has shown, perhaps, that two millions is a safe allowance for the fluctuations of commerce, and the various exigencies that may arise during the year. In the last twelve years, the receipts have varied from near thirty-four to thirteen millions. But from this series we are able to form a more accurate estimate of the general average of the revenue. The receipts for twelve years may be said to average twenty-one millions—for the last five years twenty-two millions; and this is a sufficient basis for all financial calculation. It will probably vary from twenty to twenty-four millions. We may allow, in round numbers, ten millions for the ordinary expenses of Government, established by law; ten millions for the public debt; and the extraordinary appropriations average from one to three millions. So that, upon no ordinary calculation, can more than ten millions be applied, nor can we anticipate there will be a surplus.

Again: We know that, during that period, the receipts of the Government have not allowed the regular application of ten millions, and have not been found equal to this standing demand on the Treasury. We have paid, during that period, \$134,506,206, of which \$18,786,748 was provided for by loan; leaving the amount actually paid \$115,719,458; whereas, the application of ten millions for twelve years would have extinguished one hundred and twenty millions. There is, therefore, due to the Sinking Fund, more than four millions. This shows, however, how nearly it has met the expectations of the country, and is an evidence of the ability of the distinguished man who framed the bill. But it shows, at the same time, that there has been no surplus.

It seems to my mind the gentleman labors under some erroneous impression on the subject. He seems to think that something has been lost, by mismanagement of the funds, either by the operation of this act, or the misconstruction of it, and supposes, by changing the act, he will save the interest of two millions a year. Sir, since the operation of the act, there has never been a surplus of two millions, which could have been applied to the debt. On the contrary, on the 1st of January, 1818, '19, '20, '21, the four first years after the act creating the Sinking Fund, and also in 1824 and 1825, there was no balance in the Treasury, but a great deficiency, to wit:

1st Jan. 1818,	- - - -	\$4,953,852
1819,	- - - -	2,080,483
1820,	- - - -	5,201,157
1821,	- - - -	2,056,724
1824,	- - - -	2,382,030
1825,	- - - -	151,259

On the 1st January, 1822, there was in the Treasury only \$491,166; on the 1st of January, 1823, there was in the Treasury \$5,462,412 not applied, because there was no redeemable debt to which it could be applied. On the 1st January, 1826, there was a sum equal to a million in the Treasury, and that balance still remains, and will be carried to the estimated receipts of the year, to compose the fund of the Treasury, for the year, out of which the appropriations for the year will be taken, including the ten millions; and if there is any surplus, after allowing two millions for variations of revenue, it will be also applied to the public debt. If the gentleman could find the two millions which could have been, but which have not been applied, in consequence of this act, I would consent to apply it; but if, at any period, that sum had been applied, the Treasury would be now minus a million. The error consists in the idea that such sum has laid idle in the Treasury. It was never there. A view of the whole subject will show the sound discretion which has been exercised over the application of the funds, since the peace, with the exception of the sum that remained, in 1823, unemployed; but that was the business of Congress. The Secretary of the Treasury could not purchase stock, and there was none at that time redeemable.

The Secretary of the Treasury recommended, in his report, in December, 1826, a loan of sixteen millions, at 5 per cent., to pay off a debt of 6 per cent., and which, if carried into effect, would have produced, at once, a large saving to the Government, but this proposition was rejected by Congress at the last session. That, to my mind, was the time and place for economy. That would have realized more than could result from the interest of the imaginary two millions, if they had actually existed in the Treasury.

Sir, the payment of the current expenses of the Government, and the ten millions, will leave us from two to three millions a year, for all objects of a miscellaneous character, including internal improvements, roads, canals, breakwaters, piers, deepening channels, removing obstructions in rivers, purchases of land from Indians, and various other claims upon the country. During the last three years, a large sum has been applied by Congress to these objects of great utility, and of indispensable necessity. These appropriations will, doubtless, be continued by Congress. What future expectation can there be, that there will ever be a surplus of two millions? We have an actual surplus, now ascertained, of a million, but we have a bill appropriating a million to the surviving officers of the Revolution; and, while it is proposed to apply the million to the public debt, it is, at the same moment, proposed to raise the million for the officers by a new loan; and where is the economy of that?

The Secretary of the Treasury estimates an excess of receipts, for the present year, of

\$2,352,874, and this sum is liable to the usual variations. But what are the demands upon it? There is a bill before us, which contemplates the commencement of a breakwater at the mouth of the Delaware, which will cost more than two millions, and which proposes \$250,000 a year. There is another anticipated at Nantucket, of about half that cost, which will also require \$200,000 a year. There are applications for opening a communication from Albemarle Sound to the Atlantic; deepening the channel at the mouth of Cape Fear River; opening the falls on the Wabash; removing the rafts in Red River; and obstructions from the Ohio and Mississippi Rivers, and many others of less importance. This is besides the removal of Indians and purchases of land, the claims of States for advances during the war, and the private claims now pending, amounting to more than half a million.

Now, the simple question is, whether these objects are of more pressing importance than the payment of this additional two millions to the public debt, which would hasten its extinguishment little more than one year, while these great objects must be neglected. Upon this point my mind is made up.

The regular application of ten millions will extinguish the public debt early in 1836, and, in the mean time, from two to three millions a year may be distributed over the country, to improve the navigation, by artificial harbors, deepening channels, erecting piers, and other useful works upon the coast; to improve the communications between the States, by the internal commerce of the country, now vastly greater than the foreign. The public debt is in a progress of rapid extinguishment, and quite as rapid as it ought to be, not to disturb the commerce, or the capital, or the circulation of the metallic medium of the country. The stock of the United States, to a certain extent, forms a part of its capital. By paying it off, you do not increase the circulating medium, but you destroy that part which is a substitute for capital. How far this stock enters into the capital upon which trade and commerce is carried on, I do not know, nor can I anticipate the effect upon them, of withdrawing, in a short period, seventy or eighty millions of stock. It is probable that, by a gradual operation of ten millions a year, no dangerous effect will result. Every thing will gradually accommodate itself to the changes going on. But nothing is more to be dreaded than causes which suddenly derange the money market; a panic, then, deranges every thing else. The moment the drain is felt, the banks curtail, money appreciates, property sinks in value: pecuniary embarrassment, sacrifice, distress, and bankruptcy, follow. It is the business of statesmen to look to this, and to guard against it. If a drain of specie in the Western country has produced great sacrifice and ruin, what would be its effects upon the Atlantic States, and in our large cities? Twenty millions of this stock is

held by foreigners, and the gentleman says that we are tributary to them, to the annual amount of the interest. When this debt is paid off, if this sum is reinvested in the country, we shall contribute to them the amount of this interest; but there is reason to expect that foreigners will not invest in any institutions of the States. The capital is attracted here by a profitable investment in public stocks of the Government, on the faith of which they rely. They have no confidence in local institutions. If twenty millions were withdrawn too suddenly, it might disturb the circulating medium, and, thereby, the trade and commerce, as well as the value of property. I wish the public debt paid off, as fast as it is safe to do so. I think the rate of ten millions a year is rapid enough, and ought not to be accelerated.

The gentleman says there is a balance of four millions, at all times, in the Bank of the United States, the use of which that institution enjoys gratuitously. It is true, the bank receives, in deposit, at different places, the whole revenue of the Government, which they pay out to the order of the Treasury, as it is called for, to meet the appropriations; that about a quarter of the amount, varying from three to five millions, is always in the vaults in advance; the use of which, he supposes, is a boon to the bank, and without equivalent. If we had a Treasury of our own, we must always have a quarter year's revenue in advance. That must lie idle and unemployed in our coffers. That immense sum must be trusted to the integrity of a single individual, and must pass through the hands of twenty irresponsible agents. Disbursements must be made, loans discharged, and pensions paid, at various points. It would require a complicated machinery; and, even then, expenses and losses would be incurred, and inconveniences experienced. I believe the bank a necessary appendage of the Treasury, which, besides affording a sound currency for the payment of duties, facility of exchange, and transmission by checks, performs, without compensation, and without loss, all the moneyed operations of the Government. Is it nothing that we have a safe depository, and a responsible agent? Is security and accommodation nothing? We are large stockholders ourselves, and partake, to that extent, in any profit it may give. But, sir, how infinitely more important must this institution become in time of war. Besides, this balance is always appropriated, and no longer the fund of the nation. It is deposited for those who have a right to receive it, and that right is perfect at the end of the year, and liable to be drawn at any time.

The gentleman from Missouri, in looking forward to the extinguishment of this debt, has broached new and dangerous doctrines, which go to the foundation of all protection, and, carried into effect, would ruin this or any other country. I hope I misunderstood him. But what he has said touches me in a tender point,

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Visitors at West Point.

[SENATE.]

and I cannot permit it to pass. It is said in terms that mark deliberation—and it is distinctly announced—that these principles are to form the distinctive lines between the great parties that are to divide the politicians of this country.

He says: "I am for abolishing duties *in toto*, as soon as the public debt is paid off, upon all articles of prime necessity, or ordinary comfort, which are not made at home, or not made in sufficient quantity to merit national protection." And, to make his views more intelligible, he adds, "salt, sugar, blankets, flannels, present another class of necessities and comforts, upon which some diversity of opinion may arise; they are necessities of life, and partly made at home, but not in sufficient quantity to answer the public demand." If from this is to be inferred, that these articles do not deserve the national protection, because they do not supply the public demand—and the protecting duties are, consequently, to be removed—and this is to constitute the line between the parties, I have no hesitation in saying on what side of that line I shall be found. This doctrine followed out to its consequences, would reach wool, hemp, cotton bagging, iron, lead, and almost every article, agricultural and manufacturing, which is now the object of national protection.

The anticipation of the surplus revenue has already brought to the consideration of Congress two modes of employing the money. The one is to apply it, annually, to the great improvements of every kind, in their proper order, to facilitate the intercourse and the communications between the States; the other proposes to divide the sum among the several States, according to population. It is too soon to enter upon the relative merits of the two systems. I greatly prefer the former, because I believe the States incompetent to the great national works that are necessary to connect the several parts of the Union.

But, if the majority of the people should eventually decide against the expediency of pursuing the great system of improvement, I greatly prefer the distribution among the States, to the abolition of duties: and if we should ever determine—which I hope we shall not—to forego the general system, I have no hesitation in saying, that the most beneficial consequences may result, even by the direction of the States, in establishing permanent funds for education—rendering that cheap and accessible to all classes; and by judicious application to objects of public usefulness. If it was for no other purpose than to levy a fund for the support of the State Governments, it would be infinitely superior to the abolition of duties.

This fund, distributed among the States, according to population, will enable each State to dispense with direct taxation. Their taxes are levied only on property, while capital stock and income are exempt. Those of the United

States fall equally upon the wealth of the community.

Sir, I do not oppose the reference of the resolutions. I am satisfied to leave this subject to the committee, believing they will disprove all the objects contemplated by them.

[Mr. BENTON said he thought the gentleman from Louisiana had fallen into an error in relation to the two millions. He found, by the law for the regulation of the Treasury, that the sum of \$2,000,000 was to remain in the Treasury over and above the appropriations of Congress. It, therefore, could not be disposed of, as the gentleman supposed.]

Mr. MACON said that, as he had understood it, this was merely a motion for inquiry. He did not accede to the proposition, that, if the public debt was paid off, it would reduce the capital of the country. The public debt was like a private debt. If he should give his bond of a thousand dollars, he believed that, if he did not pay it when he was able, it would never be paid. It was with a nation as with an individual. If we do not pay our public debt when we have money, there is no certainty that it will ever be paid. The difference between them was, that, exactly in proportion as the public debt was liquidated, the taxes upon the people would be reduced, and they would have more money at home. He had long thought there was a strong party in the country, which did not want the public debt paid off. Not in the administration, but in the Legislature; and that party was for spending the money of the country for all kinds of projects, instead of applying it to the public debt. It was just as it was with individuals who spent all their income and neglected their debts; and it could not lead to beneficial results. England might have paid off her debt more than once, if they had followed a prudent course. For himself, he wished to see the public debt discharged. We shall not always go on as at present. There will come a time for war. We are continually preparing for it; and when we are ready, we shall go to war. He had been a long time desirous to see some more direct means taken for paying the debt of the Nation, but he began to despair; and now, instead of calculating upon its being done, he did not know as that happy event would ever take place.

The resolutions were then agreed to.

THURSDAY, March 6.

Visitors at West Point.

The bill was taken up, making appropriations for the support of the Military Establishment for the year 1828; the motion of Mr. BRANCH, to strike out the appropriation of 1,500 dollars for the expenses of Visitors to the Military Academy at West Point, being under consideration—

Mr. HARRISON made some explanations, as to the comparative expenditure of former years and the present time. He said that, formerly, very little else but the transportation of the

baggage of officers was subject of charge, on account of this visitation. As civilians had latterly been chosen as the Visitors, and some of them residing at a great distance, the payment of their travelling expenses had swelled the amount to the sum at present required.

Mr. WHITE said that his chief objection to the appropriation was, that there was no law creating the officers to whom it was paid. He knew of no law which created such an officer as a Visitor of the West Point Academy, and he considered that, when any office or commission became sufficiently important to be provided for by a distinct item in an appropriation bill, it ought to be supported by the authority of law. The expense for this object had swelled from 200 to upwards of 2,000 dollars, and had, therefore, become an item worthy of attention. Until the law appointed the officers, explained the duties, and fixed the manner and rate of their compensation, there ought to be no specific appropriation for the purpose. If this provision was stricken out, it would not have the effect of preventing the visitation, as the matter would remain as it was before. It was in the power of the Department to send Visitors, and it might be done as before.

Mr. NOBLE spoke in opposition to the motion. It had been stated, he said, that, from the beginning, the appointing and paying the Visitors to the Military Academy was an assumption of power. If it was so, Congress had to complain of itself. The power had been employed for years, and must have been within the knowledge of Congress. Why, then, if it was an assumption of power, had not Congress interposed to prevent its continuance? It had also been said, that a system of favoritism was practised at the Academy; and he had heard of well-born sons being preferred to others. If such was the case, he wished another resolution might be introduced, to inquire who created the system of favoritism. It would be found that members of Congress were at the bottom of it. They ought not to shield themselves. Call for the names, said Mr. N., of those who have recommended cadets, and you will find that members of Congress have had more to do with this scandal about well-born sons than any one else. It ought to be inquired into, and this imputation not allowed to go out to the people, to create a prejudice against the Administration. He spoke in high terms of the character of the Secretary of War. If this appropriation was thrown out, it would not have the effect which gentlemen supposed. It would not be as it was formerly. It would show the Secretary that this was an expenditure which Congress did not approve, because it was not in the spirit of retrenchment, of which they had heard so much. This was one of the continual and continued attempts to put down the present Administration, which he believed to be the best in the known world. If the gentleman from Tennessee complained of the amount of expense for this visitation, he could inform him that the most expensive Board

of Visitors had been that over which the present Governor of Tennessee presided. That gentleman had thought it his province to give dinners, for which Mr. N. did not blame him, but only mentioned it to show who encouraged the extravagance, if such it was to be considered, of the Visitors of West Point. He should go for the whole appropriation, and regretted that the motion had been made, because it might be construed as a reflection upon the present incumbent of the War Department.

Mr. SMITH, of Maryland, said that the contingent fund of the War Department had uniformly been 10,000 dollars, and the expenses of the Visitors had been paid out of it. The sum for their expenses had of late years become so large, that the Secretary thought it had better be supplied by specific appropriation. He had asked for 8,000 dollars, but the other House had cut it down to 1,500. The Secretary had also asked for 15,000 dollars for the contingent fund. The House had reduced that sum to 10,000 dollars. If, now, this provision were denied, and the Secretary were to pay the Visitors out of the contingent fund, it would be reduced to 7,000 dollars.

Mr. CHANDLER observed that he had at first been in favor of making and retaining 500 dollars for this purpose; but, under the consideration that these officers were not appointed by law, he should vote for the present motion.

Mr. McLANE rose to ask for information, as to the reason for the increase of this expenditure, of the Chairman of the Committee on Finance. He was in favor of the examinations of the Military Academy, but was far from being satisfied that this appropriation was necessary. As far as he had received information, the appropriation was altogether too large. It was difficult to account for the augmentation of the expense which had grown up from year to year. He wished to know why the sum for this expenditure should be greater in 1826 than it was in 1825. He thought if the contingent fund could supply this fund formerly, it could now be drawn from the same source. He would also ask the Chairman of the Committee of Finance, on what ground 15,000 dollars were asked by the Secretary of War, as a contingent fund, and 8,000 for this purpose—thus swelling the demand of the Department to 18,000 dollars. He merely rose to ask for information on these heads.

Mr. WOODBURY said, that the question was, whether the Senate would appropriate \$11,500 instead of \$10,000, without information as to the cause of this increase of expenditure.

The question being taken on the motion to strike out the appropriation, it was rejected.

Mr. WHITE then renewed his motion to strike out "1,000," so as to reduce the sum to \$500, and the question being taken, was decided in the negative.

Mr. COBB moved to amend the 1st section of the bill, by striking out 10,000 dollars, (the contingent fund,) and insert 8,500 dollars.

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*Claims of South Carolina.*

[SENATE.]

Mr. KING said, if the gentleman from Georgia would withdraw his motion, he would move to reconsider the vote on striking out the whole appropriation; having voted for that motion, he would remark, that he did it with the hope that a smaller sum would be fixed upon. That not having been done, he chose rather to strike out the whole, than vote for the sum of 1,500 dollars.

The motion to reconsider was rejected.

MONDAY, March 10.

*Claims of South Carolina.*

On motion of Mr. HAYNE, the Senate proceeded to the consideration of the bill for the adjustment of the claims of the State of South Carolina, against the Government of the United States.

The report of the Military Committee on that subject, having been read, at the request of Mr. HAYNE,

Mr. HARRISON (Chairman of the Committee) briefly explained the merits of the bill. The report just read, said he, had gone so extensively into the subject, that it was hardly necessary for him to enter on it at large. The account upon which the claim of South Carolina was predicated, contained a great many items; the principal of which, having been allowed by the General Government, put the subject of interest entirely at rest; there being no question but that, on the money actually allowed, and paid to the State, interest was justly due. The cases of Virginia and Pennsylvania, who had been allowed interest by Congress for advances made by them, were somewhat different in detail, though not in principle. South Carolina had entered into these expenses for the defence of the country, without having any previous bargain with the General Government. Virginia and Pennsylvania, upon a call made upon their patriotism, borrowed money from the Banks, which they expended in the service of the country, and it was because interest had been paid by them, for the sums so borrowed, that interest was allowed them on their advances.

The case of South Carolina was nearly similar to that of those two States. She did not borrow the money, to be sure, which she advanced; but she had a fund producing an interest of 12 per cent. per annum, which, without any hesitation, she appropriated, when danger threatened. The committee were therefore of opinion, that equal justice ought to be meted to the State of South Carolina, which had been meted to Virginia and Pennsylvania, the actual loss of interest being the same, in effect, as the actual payment of interest. In relation to another item of the account, viz: for cannon-balls furnished by the State, it was necessary, under the peculiar circumstances of the case, that the balls should be procured at all events. The General Government was unable to furnish them, and they were cast at

the expense of the State. The enemy not having made the expected attack, they remained until the close of the war, and then the Government refused to receive them, because they had not been made of the proper size. Another item was for the transportation of baggage, which had been rejected, because it had been customary to allow no more than eight wagons to a regiment. Without their having the means of ascertaining how many wagons were necessary, in the peculiar case of the State of S. C., whether eight or nine, the committee could see no reason why she should not be allowed this item as well as for the cannon-balls, since she had actually expended the money in both cases. He had seen operations where 40 wagons would hardly be sufficient for a regiment. There were some other small items, said Mr. H., and one of \$— for blankets. With regard to his last, he would observe that the troops of the State had been called out in a very inclement season, and the State, finding that blankets were absolutely necessary, had furnished them. The committee, however, not finding any precedent for an allowance of this kind, did not think proper to sanction it.

Mr. CHANDLER wished the State of South Carolina to receive the same justice which had been granted to other States, and no more. He was not well informed what had been allowed in other cases; but, from what he did understand, in this case it appeared that the State of S. C. had a fund vested in bank stock, which, without having been called on by the United States, she expended in her own defence. He objected to the claim for pay of the staff officers, as he believed it had never been the practice of the Government to allow pay to officers of a State to carry on its own operations. With respect to the charge made for cannon-balls, the State, he said, had the strongest motive to place herself in an attitude of defence, and was therefore perfectly right in procuring those balls. She had them on hand at the close of the war, and if they did not answer the calibre of the United States, and did that of South Carolina, she ought to have retained them for purposes of her own defence. As to wagons, he believed the rule had been to allow them in reason. If any State had been allowed as many as South Carolina charged for, he should not be disposed to object to the allowance. Whatever had been the custom, in similar cases, he was disposed to accede to, in the present one.

Mr. HAYNE entered into the merits of this bill: exhibiting in a clear and strong point of view, the justice of the claim, which the State he represented in part has upon the General Government. Mr. H. showed that South Carolina was in an exposed state, and that when the enemy were hovering on the coast, and the General Government without money or arms, that she came forward without asking terms, and took the money which she had vested in bank, yielding her 12 per cent. on every

dollar, and loaned it to the Federal Government. Mr. H. answered all the several inquiries and suggestions made in relation to this business; showing the conduct of his State, as at once disinterested, patriotic, and worthy of imitation.

Mr. McLANE said: The State of South Carolina was entitled, on every principle of equity and justice, to receive the amount claimed by her. A distinction had been drawn between the debts due by the United States to individuals, and to States; and to individuals, interest is not allowed by the Government on the amount found to be due them. What is the principle, he asked, on which interest is refused to individuals? It is one to which he could not subscribe, though the precedent had become so strong as not now to be shaken. It is refused to individuals, said he, on the principle that the Government is always prepared to pay them their just demands, and therefore, ought not to be bound to pay interest on money waiting their disposal.

But that principle did not apply to advances made by States to aid the public exigencies of the country, when the General Government was unable to provide for that particular exigency. The principle, said Mr. McL., has already been established, that States should be allowed interest on the advances made by them for the service of the General Government. Here, then, was a strong case of that kind. Money had actually been advanced by the State of South Carolina, for the use of the General Government. Wherein, he asked, did this case differ from those of the States of Virginia, Maryland, Pennsylvania, Delaware, and New York, as argued by the Senator from Ohio? It was the duty of the United States to have performed those services and made those advances, made and performed by those States; having neglected so to do, those States stepped forward and made the advances required; and were paid, not only the sums so advanced by them, but the interest on the money they had borrowed for that purpose. Now, sir, we have adopted the principle, that wherever a State has paid interest on such advance made by it, the interest is part of the advance made; and it is on this principle that the State of South Carolina should be paid for the loss incurred by her, for her loss has been twelve per cent. interest, while she claims but six. The fact of the State's having advanced a particular stock fund, instead of money, was no argument to his mind, why the interest should not be paid. Suppose, said Mr. McLANE, a State holds stock on which she is receiving interest. If she borrows money, and holds her stock, it is admitted she ought to be paid; but if she sells her stock, and advances the money, interest is refused her. This was a doctrine he could not agree to. Is not the loss of the State the same, whether that loss was occasioned by interest actually paid by her, or by the deprivation of interest which she

was actually receiving? If an individual, said Mr. McL., advances Bank stock for another, will not the chancellor award him the full amount of his loss? If he sells his stock, and advances the money, is not the case the same? On every principle of equity and justice, the present claim ought to be allowed. Treat it as interest paid—treat it as interest lost—treat it as a loss either way, and he did not see how payment could be avoided. In a case of this kind, he would make complete and full indemnity, and the Government never can, said he, place itself in a stronger attitude, than to say to those States, who are the first to encounter the shock of calamity, if you will voluntarily step forward for the defence of the country, you shall not be placed in a worse situation.

WEDNESDAY, March 12.

*Barracks at New Orleans.*

On motion of Mr. HARRISON, the bill providing for the purchase of a site, for the erection of barracks thereon, at New Orleans, was taken up.

Mr. HARRISON explained the object of the bill, and read several letters of the Quartermaster General upon the subject. It was proposed to build barracks for four companies.

Mr. PARRIS asked the Chairman of the Military Committee whether it was necessary to keep so large a force as four companies at New Orleans.

Mr. HARRISON said that two companies were generally stationed there, but the number was now four. But, let the number be what it might, the expediency of building barracks for at least four companies, could not be doubted. The situation of New Orleans seemed to call for a large military force. There were vast numbers of foreigners continually in the city; great numbers of islanders, among whom were a lawless banditti, sailors and negroes, resided in, or resorted to, the city, and endangered the property of its inhabitants—while a greater quantity of property deposited by other individuals than citizens, than in any other place in the Union, was always jeopardized, unless secured by some adequate means.

Mr. JOHNSTON, of Louisiana, said that the amount of force was always according to the exigency of the time, and four companies might generally be required at New Orleans. Eight companies were considered by the Commander-in-Chief as necessary to be stationed at that post. Four only were quartered in the city, and the four others across the lake, in a more healthy position. He thought it needless for Congress to interfere in the details of measures taken by the Department. If the War Department stationed the troops as it judged best, it was not requisite for Congress to interfere. There was no force on the coast, for three or four hundred miles, and these troops were always ready to be detailed to any quarter

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where they might be needed. It was a central position, and intelligence of any emergency would immediately reach New Orleans. It was, also, the most exposed situation in the country. There were always about 4,000 sailors in the harbor, and generally three hundred square-rigged vessels. Besides these, there were always a great number of Kentucky boats at the wharves, and thousands of pirates and renegades from the islands resorted there. It was within a short time that the papers were filled with accounts of attempts to fire the city, and not only the whole police was called to act, but a military guard was considered necessary in every square. They had already seen an attempt, at a former period, at an insurrection by the numerous black population. All these considerations, with that of the safety of public property, made it necessary to station four companies at New Orleans. The Government would lose nothing by the erection of the barracks, as the ground on which the former buildings stood, sold for double the amount which the proposed buildings would cost.

Mr. BENTON said that our army consisted of 6,000 men, who must be stationed somewhere. Wherever they were posted they must be sheltered, and he thought the unhealthiness of the climate at New Orleans was an additional argument in favor of this bill. Experience had shown that the erection of barracks was economy, when compared to the expense of hiring buildings. The latter had been practised at St. Louis, and had been found to be very expensive, as well as inconvenient. It was well known that troops ought to be kept at a distance, instead of being mixed up with the population of a town. Barracks had been erected at St. Louis, and the same provision was now asked for at New Orleans. It was not for the Senate now to inquire whether the troops were properly stationed—that duty belonged to the President of the United States; and if he chose to station four companies at New Orleans, Congress could not do less than provide barracks to shelter them. He considered it settled as a part of the policy of the country, that troops should be stationed at New Orleans. On the withdrawal of the troops, several years since, the Government was petitioned not to leave the city destitute of defence; and the reasons given were then satisfactory to his mind that a considerable permanent force was required at that point. It was the duty of the Government to provide for the protection of all parts of the country, and this was acknowledged to be one of the most defenceless, and the most exposed to contingencies which might call for the presence of military force. There was no proposition before the Senate either to increase or diminish the number of troops stationed at New Orleans; but to erect suitable buildings for those already posted there. He was in favor of the appropriation, as necessary for the safety of the city, and as a matter of permanent economy.

Mr. JOHNSTON, of Louisiana, remarked, that, whether this bill passed or not, it would not affect the disposition of the United States troops. They had been stationed there for the last twelve years. If the bill was rejected the officers and soldiers would be kept, as they now were, in different parts of the city, very inconveniently dispersed from each other. Besides, if this appropriation was refused, the soldiers would be exposed to the yellow fever, by being quartered in the city. The gentleman from Maine had fallen into a great error, in supposing that it was the intention of Government to withdraw the troops when the barracks were sold. The sale was made at the application of the citizens—as the barracks occupied a part of the city which was convenient for business; while, higher up the river, vessels could not come in on account of the immense batteries which defended the land from the Mississippi. It was supposed that the sale would produce a sufficient sum to build barracks in some other part of the city, less valuable for commercial purposes. There was another consideration in favor of erecting barracks capable of quartering four companies at least. In case of actual service, they would not be more than sufficient to serve as a hospital for the sick. He had seen a hospital in New Orleans, containing 800 sick, chiefly Kentucky and Tennessee militia. Another error which the gentleman from Maine (Mr. PARRIS) had fallen into, was the supposition that the troops might be stationed in the forts. The forts were at a distance, and had no communication with the city; hence the soldiers, intended for the defence and security of the city, would be of no service there. He could not doubt that the various considerations in favor of this bill would ensure a favorable decision upon it.

Mr. HARRISON moved to fill the blank with 87,968 dollars; which was agreed to, and the bill passed to be engrossed.

#### *Revolutionary Officers.*

The Senate resumed the consideration of the bill, providing for certain surviving officers of the Revolutionary army; the motion by Mr. HAYNE, of South Carolina, to fill the blank with \$800,000, pending.

Mr. BELL said that the surviving officers of the Revolutionary army claimed the performance of a promise of half pay for life—made to them by a resolution of Congress of October 21, 1780. They contended that this promise was performed only in part by the commutation of five years' full pay, which was subsequently given them as an equivalent for their half pay for life; and they now ask a second commutation to make up the alleged deficiency in the first. The committee to whom this subject was referred, has made a report in conformity to the views of the petitioners. This report alleges that the commutation of five years' full pay given to these officers as an equivalent for their half pay, was not an ade-



quate compensation for it; and that there is now due to them a sum equal to two years' full pay. This bill makes provision for the payment of that sum. If the view which the committee has taken of this subject be correct, the claim of these officers is just, and ought to be paid. But I cannot yield my assent to the correctness of the facts on which the committee have founded their opinions, or to the justness of the conclusions which they have drawn from those facts. It is the object of the few remarks which I am about to make, to state the reasons which have brought me to a result on this question, directly the reverse of that to which the committee have arrived. The officers admit, that in consequence of an application from them, Congress in 1783 offered them five years' full pay as a commutation for their half pay for life—that they accepted this offer, received the obligations of the Government for it; and that those obligations have been since paid. But they contend that the acceptance and payment of this commutation did not discharge the Government from its promise, because, as they allege, they did not voluntarily accept this commutation, and that it was not an equivalent for their half pay for life. A sufficient attention to the facts will show that both these assertions of the officers which have been adopted by the committee, are unfounded. The direct evidence of a voluntary acceptance of the commutation by the officers, is of the most conclusive character. The officers solicited a commutation for their half pay. When five years' full pay was offered them as a commutation, they accepted it. This direct evidence of a voluntary acceptance, (and no evidence could be more conclusive,) is corroborated by indirect evidence deserving much consideration. The application to Congress for a commutation, and the nature and extent of the commutation offered, was undoubtedly known to every officer in the army. It was a subject of great interest to all, and must have been a subject of general conversation among them. It is impossible to believe, that, if any considerable number of the officers were dissatisfied with the commutation offered, they would not have remonstrated against it; and placed on the records of Congress some evidence of their belief that injustice was done them, as a foundation for a future application for redress. There is no evidence, nor even a traditionary rumor, that any of the officers were dissatisfied with the commutation given them. It seems to have been at the time so entirely satisfactory that not a single murmur of dissatisfaction was heard. For the next twenty-seven years, no complaint was heard from any one of this body of more than two thousand officers, who had accepted this commutation, that it was not a fair equivalent for their half pay, or that their acceptance of it was not voluntary. On what known principle of human action are we to account for this long silence, and the delay of these officers in asserting their claims, if

they had believed them to be well founded? I can find no satisfactory reason consistent with the justice of their claims. During all this time, this Government was administered by their warmest friends, by their compatriots in the revolutionary struggle; by men whom they well knew would readily listen to their complaints, and promptly redress their injuries. These circumstances establish the fact, that the acceptance of the commutation of five years' full pay as an equivalent for the half pay for life, was not only voluntary, but satisfactory, beyond any reasonable doubt. It has been said that the acceptance of this commutation by the officers, could not be regarded as a free and voluntary act, because Congress required only the assent of a majority of the several State lines of the army. And it seems to be inferred that Congress intended by this means to compel the younger officers to accept as a commutation for their half pay, what was not in value an equivalent for it. This is a very weighty charge against a body of men whom we have been accustomed to revere as amongst the wisest and best men that ever conducted the great interests of our country. The charge, if well founded, must consign their names to infamy. But it is not well founded. They are not justly liable to this imputation. Their motives, in relation to this offer of a commutation for half pay to the Revolutionary officers, were fair, and their conduct just and honorable. The unworthy suspicions to which I have referred, must have arisen from a misapprehension of the motives which induced Congress to require the assent of the officers to the acceptance of the commutation offered by majorities of their respective lines. The circumstances disclose satisfactorily what these motives were. The officers had solicited a commutation or payment of a gross sum in exchange for the half pay for life, which had been promised them. Congress was willing to yield to their solicitations, but it was found difficult to effect this object, without exposing the one party or the other to injustice. The value of the half pay of no two of the officers was the same; and it was impracticable to apportion the commutation to each individual case. The officers as well as Congress, were satisfied that a commutation could be effected only by fixing upon an average value of the half pay of all the officers. This would secure the officers, as a body, against injustice, but it would not secure the Government; because if Congress offered this average value as a commutation, without an assurance that a considerable portion of the officers would accept it, it might happen that only the old officers, or those whose constitutions were broken by diseases or wounds, would accept it. These persons would have received a commutation far beyond what, in justice, they were entitled to. To guard against this injustice to the public, Congress said to the officers, We will give you five years' full pay, a fair average value of your half pay for life, if

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so considerable a portion of you will consent to accept it as will afford a reasonable assurance that no considerable injustice will result to the public from our offer. This was the sole motive which induced Congress to annex to their offer the condition that the officers should decide upon the acceptance of the commutation, by majorities in their respective lines. The condition on which the offer was made, was just and reasonable. Its object was to guard against injustice, and not to do injustice. No possible injustice could result to the officers from this condition. It impaired none of the rights of the minority who should not see fit to accept the commutation. It was not compulsory, nor did it impose either forfeiture or penalty upon those who should reject the offer. Their promise of half pay for life remained equally obligatory upon the Government as before; and Congress remained bound to provide, and undoubtedly would have provided for its payment. All the evidence we have on this subject, leads to the conclusion that the officers accepted the commutation, not because they were compelled to accept it, but because they believed it to be an advantage to them. This is evident from the admitted fact that they readily and generally, if not unanimously, accepted it. The committee tells us that majorities in the lines of nine States accepted the commutation. How large those majorities were, does not appear; that they included all, or nearly all, the officers, is fairly presumable from the consideration that all did actually accept the commutation; and that there is no evidence that any objections were made to its acceptance. The officers of the four remaining States never acted by lines on the question of the acceptance of the commutation. They acted individually on this question, and every one of them, the young as well as the old, with the knowledge that they were at liberty, each one for himself, to accept or reject the commutation, did accept it. Can evidence of a voluntary acceptance of the commutation, more conclusive than this, be offered? It is believed to be impossible. Yet, in the face of all this evidence of the voluntary acceptance of the commutation of five years' full pay, in exchange for half pay for life, by at least more than three-fourths, if not all these officers, this bill provides a second commutation for all the revolutionary officers, without discrimination. I should be glad to know of the advocates of this bill, on what principle it is that those officers who solicited the commutation for their half pay, who voluntarily and individually, each man acting for himself, accepted it, believing it to be a fair equivalent for that half pay, is now to receive a second commutation. It certainly cannot be on the ground either of legal or equitable obligation, of which we have heard so much said. It has been said, that although circumstances induced the officers to receive this commutation voluntarily, yet if it was not an equivalent for the half pay yielded up in ex-

change for it, the Government remains under an equitable obligation to give them an additional commutation to make good the deficiency.

Mr. WOODBURY said, that the relation in which he stood to the honorable objects of this bill, would justify him in a few remarks upon the objections offered against it. But so long had the debate been protracted, he should have refrained from those remarks entirely, had not the speech of his colleague this morning convinced him, that some of the opposers of the measure acted under a total misapprehension as to a few of the material facts. The principles which should govern the measure, might well be presumed alike familiar to all; but the particular facts of the case surely ought to be better known to those, whose particular duty it had been to make a critical examination of them.

The gentleman from North Carolina (Mr. MACON) had urged much, as an objection to the passage of this bill, that the committee themselves disagreed concerning the grounds on which its merits rested. While in truth, the only real difference among them had been, that one member dwelt more strongly on one reason, and another more strongly on another reason for its adoption.

But very far was it from the intention of himself, or his able friend from Georgia, (Mr. BERRIEN,) in advocating the claim on strict common law principles, to admit that it could not be supported also on principles the most liberal and equitable; while it was equally far, as he believed, from the views of the other members of the committee, (Mr. VAN BUREN and Mr. HARRISON,) who had so eloquently pressed the mere equity of the claim, to admit that it was not also well based on strict common law principles. On the contrary, if a radical difference had existed between them, it would still leave the measure as free from objection on that account as was left the opposition to it. For one gentleman formerly, (Mr. MACON,) and indeed, another to-day, (Mr. BELL,) had insisted on the statute of limitations in bar of the claim, while the Senator from Virginia (Mr. TYLER) properly and gallantly said he should scorn to take advantage of that statute. Again, the last gentleman had insisted, that the commutation act was legally binding and compulsory on the minority as well as majority; while my colleague to-day frankly acknowledges, that it was binding on nobody who did not individually and freely assent to its provisions. The difference between the opponents of the bill is therefore essential, while that between its friends is merely nominal.

Another mistake in fact has been urged from one or two quarters against the bill, namely, that a suit at law could not be sustained on the claim, and hence, it ought not to find favor. But does any claim ever come here, on which such a suit could be sustained? The chief reason that induces every private claimant to present his petition to Congress, is that he could not obtain redress in the courts of law; and if no claimant was to be listened to here, who

could not succeed at law, we might sweep off, at one blow, our whole docket of private bills. Again, it has been asked, why did not these petitioners go to the Departments to have their claims audited and allowed, if they are valid? I reply, as before, if nobody is to be relieved here, who cannot get relief at one of the Departments, at once rub the sponge over all private applications; because the very reason for their appearance here, is that, by omissions in the existing laws, or doubts of the accounting officers, redress cannot be obtained at any of the Departments. If objections like these are to avail against the petition now under consideration, let them avail against all petitioners, and in the words of the gentleman from North Carolina, let all be directed to "eat out of one spoon." Why did we not say to the merchants in A. D. 1816, whose bonds were remitted, Go to your action at law, or go to one of the Departments? Why not say the same to the purchasers of public lands so liberally relieved a few years ago?

The annuity tables, when formed with care, are entitled to full confidence, and furnish sufficient certainty for moneyed calculations of the utmost importance in common life. They do not rest on conjectures, but on long and patient observation and on records. (See 35 Quart. Rev. 4th page.)

I have a table before me, where of ten thousand persons born on a given day, so far from all being swept away in seven years, or even in fourteen, (the time supposed by the other gentleman,) over one-half of the number are alive after thirty years. Again, of those alive after thirty years of age, instead of all disappearing after seven or fourteen years, one-half of them are alive after thirty-two years. The table is formed in a healthy country, and of that character will I show our own to be, notwithstanding the argument to the contrary to-day.

The hypothesis of the committee, that the average age of the officers in A. D. 1783, did not exceed thirty, was not assumed hastily, as intimated: it was not adopted without full inquiry, and has had the sanction of two able committees of the other House. Taking that then as a fact sufficiently well established for this purpose, the committee have not said, as my colleague through mistake supposes, that the officers would live only fourteen years. They merely mention fourteen years as the shortest term; but their whole calculations and arguments he would see, had he examined them with his usual care, are grounded on the position, that they were likely to live from 32 to 34 years. The committee, in coming to that result, do not say that they adopt implicitly the tables of Dr. Price, or do they even refer to him at all in their report. But two former committees in the other House, have taken his tables as their basis, and making proper allowances, have come to the same conclusion with ourselves. We have resorted not only to him, but especially to Milne on Annuities, which is now before me, and from which I have before

read. I will take the liberty again to read, and from his calculations to repeat, that the data given by the committee are correct. [Mr. W. here read from Milne's tables.] These tables of course differ some years, as do those of Dr. Price, according as they are made in different latitudes; in large towns or the country, and within the last 60 years or before, on account of the introduction of vaccination, the improvements in education, and numerous other causes which reading and observation will suggest. A slight difference, when kept as to the different sexes, prevails likewise in all of these.—(2 Milne App. 765.)

But take the healthiest places in Europe, where these tables have been formed during the last half century, and the probable duration of life at 80 years of age is such, that an annuity for it, would not differ beyond a small fraction from 14 years' purchase. The tables at Carlisle are of this character. Not as many gentlemen, with a slight attention to the subject have supposed, that a person of that age would live only 14 years; but probably live about 84 years; and hence his annuity for that time be worth now in a gross sum 14 times its amount. Can my colleague seriously contend, that the committee have erred in supposing the healthiness of the country not equal to that of Europe, where the great mass of the people are well known not to be so well fed, sheltered or clothed? Or that republican institutions are less favorable to long life than monarchies? Or can he seriously contend, that these officers at thirty years of age were less likely to live long, than persons who had been in civil life? In reply, should I conjecture merely without any examination of this point, the conclusion would be rather more obvious and natural, that persons, hardened by exposure and severe exertion, would afterwards live longer than persons in ordinary life.

But without any claim on my part to unusual accuracy or deep science in these subjects, the committee have not rested their inferences on mere conjecture: they have not, I believe, adopted a basis "utterly improbable;" nor are they persons whose habits have led them in their official duties to "assume essential facts," without evidence. The invalid pension roll of the United States in A. D. 1825, consisted of 3,690, and exhibited only fifty-eight deaths. In A. D. 1826, of 3,805, and exhibited only forty-eight deaths. This averages about 1 in 70, and is among a class of persons, not, it is believed, less than 80 years old on an average; and of whom all have seen service and experienced bodily injuries. Yet it shows greater health than the healthiest tables, in either Price or Milne in Europe. Again, of the revolutionary soldiers on the continental line, who are placed on the pension list, more than 12,000 survive, after the lapse of 44 years since the peace. Thus, instead of the whole having been swept away in 7, or even 14 years, this large number remains after more than six times 7 years. Even of these, aged and decrepid as

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they are, only about one in 32 dies annually, which is a less mortality than the average British standard half a century ago, of one in 28 of her whole population. Again, the gentleman who last addressed the Senate, (Mr. BELL,) contends that if this country were as healthy as England, and the officers as healthy as common citizens of their age, 500, instead of 280, should now be alive. This is another illustration of the mistakes, attending doubtless on haste and partial examination, and not on any personal prejudice or censurable motives. The officers in A. D. 1788, are, to be sure, supposed to have been, on an average, 30 years of age; and it may be, that if all were in truth no more than 30 years old at that time, between 400 and 500 would or should now survive. Indeed, more than 280 may be alive at this time, though no more have been ascertained. But the gentleman forgets that a considerable number of them were in fact over 30; not a few 40, 50, and 60, and overlooks entirely, that the mortality in 44 years, among those 40 years old and upwards, would be nearly double more than the gain in life as to the numerous officers who were less than 30 years old.

In this great lapse of time, more than nineteen-twentieths of those only 40 years old, and the whole, save one or two of those over 40, would have passed the allotted age of man, and be altogether swept from existence; while only about three-fourths of those exactly 30 years old would have died, and nearly as many of those 21 or 25 years old would have died as those 30 years old. Hence the average ages, though a correct enough guide as to life in valuing half pay, only too unfavorable to these individual petitioners, is manifestly erroneous in ascertaining how many survive, when 44, instead of 34 years, has elapsed, and when not a proportion, but all of those over a certain age, have probably perished.

To return to the comparative healthiness of all our population in this country, where tables or bills of mortality have been kept: the number of deaths is manifestly much fewer than in the same population in England. A paper by Dr. Barton, in the 3d vol. Philo. Trans., 42d page, demonstrates that in Philadelphia the deaths were often only 1 in 45; and in Salem, Mass., 1 in 47; while in this city, I have the data before me, showing, that for the last six years they have averaged not 1 in 49. In the State of New York computations have been made with some degree of accuracy, that the deaths do not average over 1 in 72; and I have known many towns in New Hampshire, where they have been for many years less than 1 in 80.

The vote being taken on the motion of Mr. HAYNE, to fill the blank with \$800,000, was decided in the negative.

Mr. SMITH, of Maryland, moved to fill the blank with \$500,000.

This question was also decided in the negative.

On motion of Mr. EATON, the bill was ordered to lie on the table.

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MONDAY, March 17.

*Prevention of Desertion.*

On motion of Mr. HARRISON, the bill to prevent desertion in the Army, and for other purposes, was taken up—an amendment reported by the Committee on Military Affairs, as a substitute for the original bill, being under consideration.

Mr. HARRISON explained the objects of the bill. The increase which it would affect in the pay of non-commissioned officers and privates was absolutely necessary, as had been demonstrated by the great number of desertions which had taken place in the army for several years. The additional pay of the soldiers was graduated in such a manner, as to prove an inducement for them to remain in the service; and it was found, by far the greater number of those who deserted, were among the newly enlisted. This additional pay was also to remain in the hands of the Government, until the expiration of the terms for which they enlisted, as a pledge for their good conduct. The bill for which this was a substitute, was thought liable to objection on account of the increase of expenditure which it would require. But no such objection could be found with this, as the additional expenditure would not require a sum equal to that lost yearly by desertions. The average loss by the present habit of desertion was upwards of 62,000 dollars. The increase of pay provided for by this bill is 57,000 dollars. Thus, if the object in view should have been effected, \$5,000 would be saved. There were two instances within the knowledge of the committee of individuals who had enlisted five times within 1825 and '6, in order to obtain the bounty money. By the arrangement now proposed, the soldier would have, at the end of his term of enlistment, a considerable sum of money. This was considered a great inducement to honest respectable young men to join the army, and would have a tendency to elevate the condition of the privates. As to the non-commissioned officers, he had, on a former occasion, endeavored to show that they were worse paid in our army, than in any of the armies in the European nations, from whom we borrowed our military system. In the French service there was an intermediate officer between the commissioned and non-commissioned officers, known as an adjutant sub-officer, who did the duty of our first sergeant and who were respectively paid. Indeed, all the non-commissioned officers were far better paid than ours. Comparing the pay of our officers with those in the English service, it was much in favor of the English. Besides, sergeants could be promoted: and in the Peninsular war, that great warrior, Lord Wellington, had two officers in each company, called color-sergeants, who were well paid, and the office was considered so desirable, that it was much sought after. It was true, the present bill proposed no such arrangement; but it was thought

that, by increasing the pay, respectable men would be willing to enter the army. The fifth section of the bill proposed a new principle in our army; and the reasons for it, he would briefly state. Several of our subordinate posts were situated at a great distance from the commanding officer. The consequence was, that, often, when a soldier had been guilty of some trivial offence, he was necessarily kept in prison for a long period of time, until a Court Martial could be convened, or he could be sent to a distance to be tried. It was, therefore, thought advisable to allow, on such occasions, the commander of the posts to assemble Courts Martial for the trial of offences committed in the garrison. This was highly recommended by the inspectors of the army, in their examinations last year. There was another novelty in the bill which arose from a similar necessity. Where a sufficient number of commissioned officers were not stationed at a post to constitute a Court Martial, it was proposed to call in a non-commissioned officer to complete the number. He believed this was common in the French service. There could be no danger in adopting the system, and it would obviate many difficulties. Many non-commissioned officers were men of character and intelligence, and when their pay should have been increased, a higher grade of men would be willing to take the office, and the rank would be placed on a better footing. Besides, when they found a principle adopted in monarchical Governments, that would allow the advancement of the non-commissioned officers, they could safely rely upon its having been adopted for the benefit of the service.

The amendment reported by the committee was then agreed to.

Mr. CHANDLER said, that, for many years, Congress had gone on increasing the expense of the army, by beginning with the pay of the lower officers, and bringing it up so near to the next higher grade, that it soon became necessary to raise that also. He thought raising the pay of the first sergeants from 10 to 15 dollars was too great a change. He moved to fill the blank with 13 dollars.

The motion of Mr. CHANDLER was agreed to.

A motion of Mr. HAYNE, to strike out the section, as amended, was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading.

#### *Internal Improvement.*

The Senate considered the bill to grant certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior Rivers.

Mr. MCKINLEY said, that this bill had been presented by him, in anticipation of a memorial of the Legislature of Alabama, which had since been received, and in accordance with which the committee had reported some amendments. It was scarcely necessary for him to urge upon

the Senate, the importance of the proposed improvements; and he hoped, ere this, to have been able to lay before the Senate, the Report of the Engineer Department, upon the surveys which had been made last year. But the ill health of the person whose duty it was to draw up the Report, had prevented him from performing it. He would merely state, that the population above the large Muscle Shoals, on the Tennessee River, had no advantage of the navigation of the river, except during a short period in each year, when the waters were uncommonly high. The plan of improvement was practicable, and promised most beneficial results. The large shoal was ten miles long; and the river, at that point, spread itself from one mile to two miles in width, obstructed by islands and rocks. The shore was a high bluff, and two or three streams emptied into the Tennessee, which would be sufficient feeders for the projected canal. The plan was, to throw a wall along the bluff, thereby forming a navigable canal. The expense for improving this passage must necessarily be great. There were other points of less importance, and which would cost, comparatively, but small sums. A single glance at the map must convince any one of the great importance of this plan to West Tennessee, Missouri, and Alabama. He hoped that the same kind of appropriation of lands would be made, as, during the last session, was made, for canals in Illinois and Indiana. He knew that there had been much controversy upon the powers of Congress to make improvements in the interior; and that the doctrine was held by some, that, although they had the power to improve the seaboard, by widening channels, erecting breakwaters, and clearing out harbors, they could not go into the inland sections of the country and perform the same offices, by improving rivers, making roads and canals, &c. It appeared that the hostilities on this question, arose out of the contest for State Rights. It was a question chiefly raised by the old States. But it was one in which the various sections of the country were not equally interested. It would be observed, that the very condition on which the new States were admitted into the Union was, that they should have no sovereignty over the lands. The lands were owned by the United States; we, of the new States, have no authority over them; and I should suppose that those who are the strictest in their construction of the constitution, would find no difficulty in granting the public domain for purposes like those pointed out in the bill. It was an every-day practice for the United States to prosecute individuals for trespasses on the land owned by the General Government—nor by these proceedings was it pretended that the sovereignty of the States was invaded. There seemed, therefore, no objection to the application of these lands to improving the country in which they lie. In the State of Alabama, the United States now held between twenty-eight and

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twenty-nine millions of acres, the Indian title to which had not yet been extinguished. On the south side of the River Tennessee, in the vicinity of Muscle Shoals, there was an immense tract of public lands, comprising nearly the whole of the county of Jackson. There were also large tracts on the north side of the river, occupied chiefly by the Indians. There could be no doubt that it was for the interest of the United States, that the access to and from those lands should be improved. It would open them to new and increased settlements, and from the extent and importance of the improvement proposed, it would stand among the first works of a national character.

Mr. NOBLE was understood to say that it was not customary to pass bills of this description without having the estimates to go upon. But, as to the constitutional power, he did not know how it was that the constitution read differently in Maine and Alabama. How was it that they had a perfect right to make a military road in Maine, and no shadow of power to make a canal in Alabama? He would ask what clause in the constitution authorized the construction of a military road? There was no such clause. But, then, it was done under the power of regulating the army. It was easy enough to construe the constitution when this road was to be constructed. When Kennebeck, or Kennebunk, or whatever it might be called, was interested, the leaves of the constitution, in which the gentleman from Maine's scruples were to be found, were frozen together by his northern predilections. It has been argued that the benefits of improvement had not been equally bestowed. The gentleman from North Carolina complained that his state had received nothing. But, said Mr. N., we cannot give them any thing if they will not ask it—although I believe there is a bill now before the Senate for an outlet, or an inlet, I do not recollect which, in that State. He was for it. He would vote for assistance wherever it was wanted. He was friendly to the wishes of Alabama; and would as soon vote for the canal they stand in need of as for the military road in Maine. He wished the gentleman from Maine would get up in his place, and enlighten him as to the difference of the constitution in one State and in another. For his own part, he considered the operation uniform. He did not wish to have the constitution always brought in, until it should at last be eaten up with talking, and be considered of little importance from everlasting recurrence to it. He believed that some of those whose consciences were so tender, might be sincere; but his principle was, to extend equal benefits to all parts of the country. He did not wish to be told, whenever appropriations were proposed, that there was no State but Maine in which the constitution operated, and that its particular province was somewhere about Kennebeck or Kennebunk. He wanted to extend the benefit of the constitution to all the different sections

of the country. If not, abolish it at once, and get rid of this eternal dispute upon it.

Mr. COBB said, that he should deem it his duty to vote against this bill, as he did for those making appropriations for the Illinois and Indiana canals. The doctrine which he held, had been formerly expressed in this House, against appropriations by the General Government for the purposes of Internal Improvement. They were, he knew, unfashionable doctrines. But these considerations he now discarded; and put his opposition to the bill upon a different ground altogether. He objected to it because it was a direct violation of the compact entered into at the admission of Alabama into the Union. The grant of the Territory to the United States, was not an unconditional grant. What was the object of this bill? It was an unconditional grant to the State of Alabama of a quantity of land, for the peculiar benefit of that State. By the articles of cession between Georgia and the United States, it was agreed that those lands should remain as a common fund for the benefit of the United States, Georgia included; and it was added, in that instrument, that they should "be faithfully disposed of for no other purposes." The question then presented by this bill, was, does it violate the articles of cession? We are about to dispose of this land. How? Are we applying it to the common use of the United States, Georgia included; and for no other purpose? No. I say it is to be disposed for the benefit of Alabama, and for no other part of the country whatever. He knew that it would be said, that it was for the benefit of the United States, because it would increase the price of the public lands, and promote their settlement; and that Georgia would share in these advantages. That this was a fallacious method of reasoning, and similar to that which was always resorted to, when the violation of any compact was contemplated. He wished the gentleman who had introduced this bill to take up the articles of cession, and satisfy himself relative to the compact between Georgia and the General Government.

Mr. RUGGLES spoke in favor of the bill. He considered the improvements proposed by it as interesting to the whole Union, and compared it to fortifications, which might be erected for the defence of some particular city; but also contributed to the protection of the whole country.

Mr. MCKINLEY moved to amend, by inserting a provision for exempting all persons in the service of the United States, and the citizens of all other States in the Union, from tolls, unless authorized by an act of Congress; which was agreed to.

Mr. KING moved to fill two blanks in the bill, so as to enjoin upon the State of Alabama to commence the prosecution of the works within two years, and to complete it within ten years. Agreed to.

The bill having been reported to the Senate, was briefly advocated by Mr. BENTON and opposed by Mr. COBB; when the question being

taken on engrossing, it was deciding in the affirmative by the following vote :

YEAS.—Messrs. Barton, Bateman, Benton, Bouigny, Chase, Eaton, Harrison, Johnson of Kentucky, Johnston of Louisiana, Kane, King, Knight, McKinley, Marks, Noble, Robbins, Rowan, Ruggles, Smith of Maryland, Webster, White, Williams—22.

NAYS.—Messrs. Berrien, Branch, Chandler, Cobb, Dickerson, Macon, Parris, Seymour, Smith of South Carolina, Tazewell, Tyler, Willey, Woodbury—13.

WEDNESDAY, March 26.

*Graduation of the Price of the Public Lands.*

The bill for the graduation of the prices of public lands, was taken up.

Mr. McKINLEY said: The great interest felt by the people of Alabama in the fate of this subject, made it his duty to offer, to the consideration of the Senate, his views upon the various provisions of the bill, connected with the amendment offered by the gentleman from Indiana, (Mr. HENDRICKS.)

The bill contains, said Mr. McK. what I conceive to be a wise and salutary change in the mode of selling the public lands; and it is proposed by the amendment to confine the operation of the bill to the Territories of the United States, and to cede in full property to the States the public lands within their limits.

Sir, I am fully apprised of the difficulties I have to encounter on this subject. The strong partiality of the Senate for the present system has been too often manifested to leave a doubt on that point, but the difficulty and embarrassment is greatly increased in advocating the amendment, as I shall endeavor to show that the United States shall have no constitutional right or claim to the lands in the new States. Here I have to encounter the long preconceived opinions of many of the Senators, the influence of an established system, long in practice, and the force of precedent. Under these circumstances, it will not be surprising, if some of the doctrines, which duty requires me to advocate, should be regarded by some as wild, visionary, and untenable. Let that be as it may, they are the result of the most mature and deliberate reflection I have been able to give to a subject of so much political and pecuniary importance. I have long entertained the opinion that the United States cannot hold land in any State of the Union, except for the purposes enumerated in the constitution; and whatever right they had to the soil while the country remained under territorial governments, passed to the States formed over the same territory on their admission into the Union, on an equal footing with the old States.

A slight attention to the history and character of this Government, will satisfy the most sceptical, that the United States did not, as a Government, under the articles of confederation, acquire by conquest from Great Britain, any title to the waste and unappropriated lands (formerly called Crown lands) lying within the

chartered limits of any of the parties to that league or compact. Whatever might have been the opinions or wishes of some of the States upon the subject, it is obvious that it was not the opinion of the Congress of that day, that the United States would (in the event of success attending the war in which they were then engaged) be entitled to these lands. If such had been the opinion of Congress, why did they pass the resolution of the 13th of September, 1780, asking that as a favor which they might demand as a right? On the contrary, it was then believed that the States would, in virtue of their sovereignty, succeed to all the rights of the crown over these lands, if they succeeded in the establishing their independence. And this doctrine has been fully sustained by the opinions of the Supreme Court of the United States, in the cases of Fletcher and Peck, and Johnston and McIntosh. As the resolution referred to, and the subsequent proceedings under it, form the basis of right now exercised over the public lands by the United States within the new States, it will be proper to examine the resolution, the cession by Virginia to the United States of her waste and unappropriated lands north-west of the Ohio River, the ordinance of Congress of 1837, and the cession by Georgia to the United States in the year 1802. By this resolution Congress requested the States having waste and unappropriated lands in the Western country, to make liberal cessions to the Union; and promised that the lands so ceded, should be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which States should become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the other States. 1 vol. Laws U. S. p. 475.

Virginia, with that spirit of patriotism and liberality which characterizes all her public acts, granted this request, by conveying to the United States all her waste and unappropriated lands northwest of the Ohio River. But the same patriotism which induced this great sacrifice of interest on the part of Virginia, induced her to secure, as far as practicable, the sovereignty, freedom, and independence of the States thus to be created. And, therefore, in the act of the Virginia Legislature and the deed of cession, the grant is made upon this express condition: "That is to say, upon this condition, that the territory so ceded shall be laid out and formed into States containing a suitable extent of Territory; not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; and that the States so formed shall be distinct republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence, as the other States." After the execution of this deed of cession, Congress thought proper, on the 13th of July, 1787, to pass an ordinance for the Government of the territory northwest of the Ohio,



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in which the terms and conditions expressed in the deed of cession are essentially altered, and the following restricted terms for the admission of these new States into the Union, are enacted: "The legislatures of these districts or new States shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil by the bona fide purchaser. No tax shall be imposed on the land, the property of the United States." "The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of said territories as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor." By this article of the ordinance, Congress violated the compact with Virginia. The conditions contained in the act of the legislature and deed of cession, are entirely disregarded; and new, contradictory conditions imposed upon the people of the territory. Sir, Congress had no power to change or alter these conditions, not even with the consent of Virginia; because they were made for the benefit of the people who were to become citizens of these new States. Those who had purchased land from the United States, and settled there under this compact, and for whose Government this ordinance was intended, had a vested right in those conditions; which could not be divested by one or both of the original parties to the compact. Therefore, that portion of the ordinance was wholly void and inoperative, which changed the conditions of admission.

Sir, I have already shown, that all the States of the Union, at the close of the war, became sovereign and independent; and, in virtue of their sovereignty, were entitled to all the waste and unappropriated lands within their limits. I have shown that this was the opinion of the Old Congress: that it is the opinion of the Supreme Court. It follows, then, as a necessary conclusion, that some of the rights of sovereignty to which the old States were entitled, the new States have been deprived of, by extending their restricted conditions of the ordinance of 1787 to their admission.

All the writers on public law, the ablest jurists of ancient and modern times, agree that sovereignty is necessarily and inseparably connected with the territory and right of soil over which it is exercised. So essential is this right, that sovereignty cannot exist without it.—Vattel, 165—112—99. By the conditions on which the new States were admitted into the Union, they have been deprived of the right of disposing of, or in any manner interfering with the disposition of the public land, or any regulations that Congress may choose to make for securing to the purchasers any title it might choose to grant; they have been deprived of

taxing the lands belonging to the United States, for any length of time they may choose to withhold it from sale; they have been deprived, forever, of the right of collecting tolls upon their own navigable waters, although they may improve their navigation at their own expense; and of the right of charging tolls for turnpike roads, which they may make between those waters. Under these circumstances, can any one say that the new States have the same rights of sovereignty, freedom, and independence as the old?

Sir, the creation of a sovereign State over this territory with the consent of Congress, was of itself a transfer of the whole title to the land, and right of domain of the United States to the new States. If it would not have had that effect, why annex these restrictions upon their sovereignty to the acts of admission? The very necessity which induced the United States to pass the ordinance of 1787, and the subsequent acts extending its conditions to other States admitted into the Union, proves that, without these restrictions, the new States would have been entitled to all the land within their limits, and all other rights of eminent domain. I have shown that the ordinance of 1787, was a violation of the compact with Virginia. I will now endeavor to show that the ordinance was repealed and superseded by that Constitution of the United States, even if it had been consistent with the compact with Virginia, and valid under the articles of confederation.

Before any of these new States were organized, or admitted into the Union, a new era in the political history of the United States occurred. The articles of confederation were found to be wholly incompetent to effect the national purposes for which they were designed; and it became necessary to new model the General and State Governments. The Constitution of the United States was formed in 1787, and adopted by the requisite number of States in 1788. By this constitution, the States conferred upon the Government of the United States all the national, and as much of the municipal sovereignty, as they deemed necessary for the great purposes of foreign intercourse and national defence. The residue of the municipal sovereignty was, by the 10th article of the amendments to the constitution, reserved to the States, or to the people. The States fearing what might be, and now is, called a liberal construction of the new constitution, might, by the influence of implication, result in a consolidated, instead of a confederated Government, suggested and carried this, among other amendments. By this amendment, it is expressly declared, that "The powers not delegated to the United States, by this constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." This provision plainly fixes the boundaries of national and State power: where one ends the other begins; and when taken in connection with the powers granted to the United States,



and those prohibited to the States, furnishes an unerring rule of construction of the whole instrument; which, if adhered to, will forever keep the Federal and State Governments within their proper orbits; and the exercise of power by either, within its legitimate channels. It is impossible to avoid error of construction if the Constitution of the United States be regarded (as it most frequently is, by American statesmen) as furnishing the whole fundamental law governing the action of the Federal Government. The constitutions of the several States forms as much a part of the great code of constitutional law, as the Constitution of the United States. The latter is but an emanation of the former, and depends essentially for the character, extent, and exercise of its powers, upon a correct understanding of the powers reserved to the States. The States intended to grant no power to the United States, that they could exercise, separately, themselves. The creation of this Government was the result of necessity, and not of choice. There was no municipal power that the States could not exercise; and therefore it was not necessary to confer upon the United States any such power, except so far as it became absolutely necessary for the exercise of national power. If this view of the subject be correct, we must agree that the United States have no power to hold land in any of the States, to restrain the States from taxing the land, from controlling the navigable waters and public highways within their jurisdictions, unless such power is expressly granted by the constitution. The only grant of power upon this subject, is to be found in the enumeration of the powers of Congress, in the 8th section of the 1st article, in these words: "Congress shall have power to exercise exclusive legislation, in all cases whatsoever, over such district, (not exceeding ten miles square,) as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States; and to exercise like authority over all places purchased by consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings." So much municipal sovereignty over the soil within the States, and no more, was deemed necessary for national purposes; and thus far, it has been found amply sufficient. The power to purchase land for the erection of "other needful buildings," than those specified, authorizes the purchase of land for navy yards, custom houses, court houses, jails, &c. Here, the whole power of Congress to hold land within a State of the Union, or to make compacts with a State for land, ends; and here, also, terminates the exclusive legislative power of Congress over land within the States; unless these powers can be derived from the power granted to Congress to admit new States into the Union. That is a simple and unconditional grant, in these words: "New States may be admitted by the Con-

gress, into the Union." In the same section, Congress is restrained from erecting a new State within the jurisdiction of any other State, or forming a State by the junction of two or more States, without the consent of the Legislatures of the State concerned, as well as Congress. If the constitution is to be confined in its operation to its plain and obvious meaning; if to infer powers not granted, would be an illegal accretion of power to the United States, and an encroachment upon the reserved rights and municipal sovereignty of the States; then Congress have no right to annex any condition whatever to the admission of the new States into the Union, and such conditions are unconstitutional and void.

Sir, suppose it were within the competency of Congress and the States to enter into compacts, could they enter into such as would abridge the sovereignty of the States, and confer upon the United States the sovereignty thus surrendered? Vattel, in discussing this question, as between nations, says: "A nation ought to preserve itself, it ought to preserve all its members, it cannot abandon them; and it is under an engagement to support them in their rank as members of the nation. It has not a right, then, to traffic with their rank and liberty, on account of any advantage it may expect to derive from such a negotiation. They have joined the society for the purpose of being members of it; they submit to the authority of the State, for the purpose of promoting, in concert, their common welfare and safety, and not of being at its disposal, like a farm, or a herd of cattle."—Page 118. Again, 194, he says: "A treaty pernicious to the State, is null, and not at all obligatory, as no conductor of a nation has the power to enter into engagements to do such things as are capable of destroying the State, for whose safety the Government is entrusted to him. The nation being necessarily obliged to perform every thing required for its preservation and safety, cannot enter into engagements contrary to its indispensable obligations. In the year 1506, the States General of the kingdom of France assembled at Tours, engaged Louis XII. to break the treaty he had concluded with the emperor Maximilian and the archduke Philip, his son, because that treaty was pernicious to the kingdom. They also decided that neither the treaty nor the oath that had accompanied it, could be binding on the king, who had no right to alienate the property of the crown." High and respectable as this authority is, I will call the attention of the Senate to one still higher, the obligations of which operate directly upon our legislative power; it is the constitution itself. By the 10th section of the first article of which, the States are expressly prohibited from entering "into any treaty, alliance, or confederation," whatever. Every compact between sovereign States is a treaty. "A treaty, in Latin, *fœdus*, is a compact made with a view to the public welfare, by the superior power, either for per-

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petuity or for a considerable time."—Vattel, 192. "As a State that has put herself under the protection of another, has not, on that account, forfeited her character of sovereignty, she make treaties and contract alliances, unless she has in the treaty of protection expressly renounced that right. But she continues forever after bound by this treaty of protection, so that she cannot enter into any engagements contrary to it."

Sir, a just application of these principles of the law of nations, taken in connection with the prohibition in the States to enter into "any treaty," proves that the States of this Union have no power to enter into any compact with the United States, and much less with Congress, for any purpose whatever, except those enumerated in the constitution. By the law of nations, just referred to, it appears that a State, binding herself by a treaty of protection not to enter into treaties or alliances, is forever precluded from that right. The States of this Union have bound themselves by a much more sacred and obligatory instrument, not to "enter into any treaty, alliance, or confederation." Surely, then, they have no power to enter into compacts to abridge their sovereignty. If the constitution prohibits the States from making such treaties with the United States, it is equally prohibitory on the United States to enter into such treaties or compacts with the States. If the United States can enter into treaties or compacts with the new States for the acquisition of sovereignty, land, or money, not warranted by the constitution, she may do the same with the old States, and thereby change, amend, or destroy the fundamental law of the land by compacts with the States. These compacts, if valid at all, are the supreme law of the land, and as obligatory on all the people of the United States as the constitution itself. The States cannot, by any act of theirs, release themselves from their operation, they can pass no law violating them, nor can Congress. But, by the concurring consent of both parties, like all other contracts, they may be cancelled. Thus, then, the constitutional law may be changed, by the simple operation of making and cancelling a contract.

Sir, it has been said that these lands ought to belong to the old States, because they all contributed in conquering them from Great Britain, or contributed otherwise to their acquisition; that the acquisition of the crown lands was one of the inducements to the revolution; that they have been pledged for the payment of the public debt; and, therefore, the United States cannot, in justice to themselves, and good faith to their creditors, relinquish them to the new States. It has been shown that the successful issue of the revolution did not confer upon the United States, as a Government, the crown lands in the respective States, but that the States in which they lay, in virtue of their sovereignty, succeeded to all the previous rights of the crown. Such has

been the opinions of the old Congress, of the Congress under the present constitution, and of the Supreme Court of the United States. The crown lands had, it is true, some influence in producing the revolution, if we are to credit the Declaration of Independence; but it was an influence wholly adverse to the arguments urged against this measure. The complaint in the Declaration of Independence against the king, on this subject, is in these words; "He has endeavored to prevent the population of these States; for that purpose obstructing the laws for the naturalization of foreigners; refusing to pass others to encourage emigration hither, and raising the conditions of new appropriations of lands."

Sir, the opponents of this bill are welcome to the full benefits of these complaints against the king of Great Britain, and their just application to the existing state of things here. These very complaints may now be justly urged by the new States against the United States. Is there not, now, an attempt making to discourage or prevent emigration to the new States, by refusing to pass laws for that purpose? And, if not, by raising the conditions of new appropriations of lands, the same effect is intended to be produced, by refusing to reduce the price to their real value. The Secretary of the Treasury, in his annual report on the state of the finances, at the present session of Congress, has entered into a learned and labored argument, to show that the price of the public lands ought not to be reduced, because it would give too much encouragement to emigration from the old to the new States, and thereby prevent the great manufacturers from obtaining the labor of the poor class of society at a cheap rate. He admits that the population may be more rapidly increased by encouragement to emigration and agricultural pursuits; and he might have admitted, also, that the sum of human happiness, and the preservation of republican principles and our free institutions, would be better and more certainly promoted by the same means. But the amount of his argument is, that it is better to increase capital in the hands of manufacturers, by compelling the poor to labor for them, than to permit the poor to become landholders at a cheap rate, and pursue agriculture; although population would be thereby increased, and the true principles of Government be best preserved.

Sir, is not this a direct attempt on the part of the President of the United States, through his Secretary, to prevent emigration to the new States? Is it not the direct opposition of the Executive department of the Government against the passage of this bill? It has been before the Senate for several preceding sessions; if it passes, its effect will be to encourage the emigration of the poor class of society to the new States, where they may become landholders at a cheap rate, and rear their families in freedom and independence. The policy of the President and Secretary is, to deprive the poor

of these great benefits; to force them into the service of the wealthy manufacturer; to prevent, as far as possible, the population of the new States, and diminish their political importance in the scale of the Union. Have not the new States good cause to make the same complaint, on the subject of the public lands, against the United States, that the colonies did against the king of Great Britain? But, sir, this attempt to arrest emigration to the West is vain and useless; the tide of emigration will roll on, in despite of legislation here, or opinions expressed elsewhere. So long as men are free, they will pursue their interest and happiness according to the dictates of their own judgments. So long as the lands are poor and unproductive, and agricultural products at their present depressed prices on this side of the Alleghany, the poor will—nay, they must—seek, on the other, richer and more fertile land, even if they are destined to be tenants there. It is better to be a tenant on rich land than a landlord on poor; it is better to be a free man in the West, than a slave to a manufacturer in the East.

The gentleman from Missouri (Mr. BARTON) says the effect of the graduating principle of the bill will produce a rapid depreciation in the price of the public land, and a monopoly in the hands of speculators. The proposition in the bill is to fix the price of the land according to its quality. Is there any thing in this proposition dangerous to the interests of the United States, or unjustly favorable to the purchaser? There are millions of acres of land that have been offered for sale at public auction, and would not sell at the minimum price, that have remained unsold, some for more than twenty years, although it has been subject to entry, by any one choosing to apply for it, at two dollars an acre, until 1821, and since that time at one dollar and twenty-five cents. Is not this sufficient to prove that such land is not worth a dollar and a quarter an acre? If it is not worth a dollar and a quarter, is it wrong, is it doing injustice, to sell it for less? If land that has been in the market for twenty years, had been sold at first at sixty-two and a half cents an acre, it would have produced twenty-five per cent. more to the Treasury than it would now yield at a dollar and a quarter. Calculating the simple interest on the amount at six per cent. it doubles itself every sixteen years. Gentlemen say that these lands are pledged for the payment of the public debt. The debt is more than doubled by the interest, since a great deal of this land has been in the market, and it will be doubled again before it will sell for a dollar and a quarter an acre. Is this a judicious system of finance and economy? Is this the way to pay the public debt? I cannot perceive how selling land for its value will produce a rapid depreciation in its price. But if this effect could be produced by the passage of the bill, it seems to me impossible that the lands could be the subject of profitable

speculation. Suppose individuals were to purchase up large quantities of these lands in the expectation of making a profit upon them. If similar lands continued to depreciate in the hands of the Government, would not those in the hands of the speculator depreciate in the same ratio? The longer the speculator held the land, the greater must be his loss, if the Government lands continue to decline under this system. Therefore, there can be no possible danger to the interests of the United States in that quarter.

Sir, the friends of the present land system are the last that ought to say any thing about speculation. Who is the great land speculator in this country? The United States is the greatest that ever was in this or any other country. She obtained from Virginia all her waste and unappropriated lands northwest of the Ohio River, under a solemn pledge to sell them for the common benefit of all the States, and apply the proceeds to the discharge of their war debts. This was expected to be done speedily, and sovereign, free, and independent States, erected over the territory ceded, as soon as there should be sufficient population. All these pledges have been disregarded; the public debt has not been discharged by this fund; the States created there have been deprived of their sovereignty; and now the lands are to be held up for high prices, to the great detriment of these new States. These lands have already produced to the Treasury upwards of twenty-two millions of dollars, and very large bodies of them remain unsold. In violation of the constitution, the United States purchased from Georgia all the country now forming the States of Mississippi and Alabama, which had previously been the subject of the most fraudulent system of legislative speculation. They paid nothing for it, but promised payment to Georgia out of the proceeds of the sales; compromised with the Yazoo company of speculators, promising payment in the same way. They issued stock to the amount of six millions two hundred and fifty thousand dollars, called Mississippi stock, delivered it in payment, and made this stock receivable in payment for the lands when sold; thus creating an immense artificial fund, not based upon the specie capital of the country, for the purpose of ensuring high prices for the lands, and enriching the treasury at the expense of the citizens. The result was as might have been expected. This Mississippi stock was thrown into the market, and at the sales of these lands was worth just as much as the hard dollars of the planters. The lands sold for unheard of prices; the citizens were many of them ruined by their purchases; their money redeemed this stock, and the United States pocketed a clear profit of upwards of eight millions of dollars by the sale of much less than half the lands, without the advance of a dollar of the purchase money. And not content with wholesale and retail speculation, they laid out towns where nature

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never designed towns should be, puffed them by their agents, and actually descended to peddling in the lots.

And now we are told that it is dangerous and immoral to encourage a system of speculation among our citizens. Sir, while the Government gives such examples of successful speculations to its citizens, they will not believe that it is demoralizing to speculate in land, and they will follow this illustrious example. If this system of land jobbing and speculation is pernicious to society, let the Government abandon it, and set an example of moderation, of justice, and fair dealing, by restoring to the new States their violated sovereignty. The territorial Governments, within which the constitution authorizes the legislative action of Congress, affords an ample field for the operation of the land system, without extending it to the States. And there this graduating plan will be found highly beneficial. The gentleman from Missouri, (Mr. BARROW) read, in his place, this morning, a statement showing the beneficial effects of a system like this in the State of Tennessee. There it produced large sums of money to the treasury, and no speculation among the citizens. None of the evils so much deprecated by the gentleman from Missouri (Mr. BARROW) resulted from the operation of this system in Tennessee. We may, therefore, fairly conclude they will not happen to the United States, if we adopt the same system. Another proposition contained in this bill will effect partially what the amendment proposes. After this system of graduating the prices shall have exhausted itself, by disposing of all land worth twenty-five cents and upwards per acre, the residue is to be subject to donations for one year to actual settlers, and whatever may be left after this operation is to be ceded in full property to the States. Should the amendment be rejected, the operation of the bill would, within some reasonable time, give to the States complete jurisdiction over the lands within their limits. Admitting, for sake of argument, that the United States have the right to hold these States as vassals and feudatories, would it be good policy, would it be generous, would it be consistent with our scheme of Government to do it? You deprive them of many of the essential attributes of sovereignty, control the internal police and economy of a Government called free and independent. They are deprived of the right of regulating the settlement and improvement of the country, in that mode which might be best calculated to promote their happiness and prosperity. They are deprived of the revenue derivable from the soil, the most certain and available source of revenue in any country. They are subject to the operation of the laws of the United States upon subjects purely municipal, which do not operate in the old States, and which they have a right to pass for themselves, or not, according to their sovereign will and pleasure. A majority of Congress

represent the old States, and are, of course, wholly irresponsible to the citizens of the new, for any laws they may choose to pass on these subjects. They are ignorant of the peculiar wants and wishes of the people they are legislating for; and when those who represent those people bring their petitions and wants before Congress, their statements and representations of the actual condition of things, are often, to their great mortification, received here "with grains of allowance." The President of the United States has the discretionary power of bringing as much or as little of the public land into market, annually, as he chooses. In the exercise of this power, he may give a preference to the settlement and population of one State over another; or he may restrain the settlements entirely, for the purpose of carrying into effect the policy of the Secretary of the Treasury. I do not mention these as complaints against the Executive, but against the operation of such principles, because the same result might take place by the exercise of the same power by a majority of Congress, and the people interested be equally without remedy.

Sir, the Legislature of the State I have the honor, in part, to represent, taking into consideration these grievances, addressed to the present Congress a respectful memorial, proposing to purchase all the lands within her limits, that she might thereby acquire full sovereignty within her jurisdiction. This memorial I had the honor of presenting to the Senate, and upon which a committee was raised. A majority of that committee decided against selling the lands to Alabama, preferring the present so much enlogized system. If the United States refuse to give or sell to us what we believe we are constitutionally entitled to, we certainly have good cause of complaint, and will continue to complain until we obtain our rights.

THURSDAY, March 27.

*The late General Brown.*

On motion of Mr. HARRISON, the bill for the relief of Mrs. Brown, widow of the late Gen. Brown, was taken up.

Mr. HARRISON observed, that, having ascertained, shortly after the death of Gen. Brown, that he had left his family in a most distressed situation, dependent entirely upon connections who were illy able to support them, he had introduced, upon motion of leave, the bill which was then before the Senate. I did it, Mr. President, (said Mr. H.) under the conviction that it neither comported with the honor or the interest of the nation, to suffer the family of a man to whom it was so greatly indebted for its military renown, to retire from the seat of Government, at the moment, too, when the Legislature were in session, without the means of a decent support. I hold in my hand, sir, a statement, drawn up by the ad-

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ministrator of the deceased General, containing a particular account of the situation of his affairs. It is at the service of any Senator who may wish to peruse it. Without entering into particulars, I think it necessary to state, generally, that at the close of the late war, Gen. Brown was possessed of very considerable landed estates in the western part of the State of New York, but that he was considerably indebted in part for the purchase of these lands. He believed that, but for the cruel disease under which he so long lingered, he would have been enabled to extricate himself from his debts, and preserve a competent provision for his family. This opinion is corroborated by that of others who were well acquainted with General Brown's circumstances. Having little hope of being restored to such a state of health as would permit him to devote a portion of his time to his private affairs, Gen. Brown gave up his real estate, to be disposed of for the benefit of his creditors. A part of it still remains in that situation, but entirely insufficient to pay the debts for which it is bound. Another part, including the farm upon which he formerly resided, has been sold, and the latter purchased by his son-in-law, who is still indebted for a large portion of the purchase money. Besides his own debts, General Brown was bound as security for a considerable debt of a brother. The larger portion of this has been discharged by him, but a balance of some thousand dollars is still unpaid. I now offer to the Senate, (said Mr. H.,) and request the Secretary to read, two letters from the physicians who attended General Brown, in his illness, to show the nature of his disease, and the cause to which it is to be attributed. [The letters here read were from Doctor Lovell, Surgeon General of the Army, and Dr. Henderson, of this city. They both concur in the opinion that the disease, of which the General died, was produced by the sudden suspension of another, contracted in the army.] In addition to this testimony, (said Mr. H.,) I am authorized, by a gentleman of the greatest respectability, now in this city, (Governor Cass,) to say, that, in the year 1815, General Brown informed him that he derived the disease under which he was then laboring, from the wounds he received in the battle of Niagara.

It will be seen, sir, (said Mr. H.,) that the Surgeon General asserts, that, if General Brown had lived, and retired from the Army, he would have given him a certificate for a full pension, under the existing laws of the country. There is, however, no law now in existence, under the provisions of which, his family could obtain relief; but I rely with confidence, that it will not be withheld, as the principle upon which it can be supported, strictly accords with those upon which the Government have heretofore acted. I can say with truth, Mr. President, (said Mr. H.,) that I would be one of the last men who would introduce into this country

that system of sinecures and pensions which has produced so much misery in another quarter of the globe, and which, more, perhaps, than any other cause, obliges, in the language of our great countryman, Mr. Jefferson, "The European laborer to go supperless to bed, and moisten his bread with the sweat of his brow." There is, however, no danger of this, as long as our free institutions remain; as long as the other branch of the Legislature consists of the real representatives of the people, and this the representatives of the State authorities, themselves fairly and freely chosen by their fellow-citizens. Public opinion will always interpose an effectual check to exorbitant expenditures of the common treasury, or to any which is not strictly compatible with the genius of Republican Government. Our pension laws exhibit nothing which is at variance with these principles; nothing which a free country should blush to own. They contain moderate appropriations, as a requital for distinguished services and sufferings in the cause of liberty and the people.

As yet, sir, public opinion is far in advance of the Legislature upon subjects of this kind. As far as my observation has extended, no appropriation of money, for any object, is viewed with such decided approbation, by the American people, as those of the character contemplated by the present bill. Where was any measure hailed with more joy and satisfaction throughout the whole Union, than that which provided for the ease and comfort of the indigent soldiers of the Revolution? I had the honor, about the same period, to introduce into the other branch of the Legislature, of which I was then a member, a bill to extend the pensions granted to the widows and orphans of those who fell in the late war, to an additional period of five years, and I can say, with truth, that no act of my political life ever received more decided approbation from my constituents.

Mr. CHANDLER said that he was fully aware of the delicacy of the case, and the danger there was in opposing it. He was willing to do justice to Mrs. Brown, but he thought to pass this bill, would be to commence a pension system to which the gentleman from Ohio had said he was unfriendly. How many wounded soldiers were there under Gen. Brown, for whom no provision had been made? This was, he conceived, but a beginning, and he was averse to going into any pension system whatever. If a sum of money were necessary for the relief of this lady, he had rather that it should be paid by the members of Congress themselves; and, although not very able, he would contribute his proportion. This would be his own charity; but he did not think he was authorized to take the money out of the public treasury, and tax the very men, and their children, who had contracted the same disease in the same service. He knew it was not popular to oppose a grant for a female;

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but he could not, consistently with his own feelings, vote for such a measure.

Mr. NOBLE said, that he objected to the bill. When he was in the western country, he heard the epithet military chieftain at every corner. When I hear, said Mr. N., the philanthropy and benevolence of the country called into question, where shall I shelter myself from the imputation of illiberality? Or when a military chieftain is in the case, shall every man put his hand on his mouth and go home, allowing the military fever which now rages to consume every thing? Are we in such a case to be treated with facts from the history of Athens? Why, I will ask, what became of Athens? It became a tyranny; and so will this Government turn out, when once the constitution shall have been scorched, as it will be, if this military plan is pursued. General Brown's success did not form a debt. If that was all, the yeomanry of the country had equal claims. Their widows, when deprived of their husbands, felt as much as the wives of officers. He objected to making distinctions. All ought to be treated alike. When people talked of economy, they ought to begin to practice it here; and not go home and talk about it. He was willing to go heart in hand, to put people, when they were disabled in the service, on the pension list, but he could not agree to a measure so partial as this bill proposed.

The question then being on engrossing the bill for a third reading,

Mr. BERRIEN said he was called upon to record his vote on this question, and desired to state, very briefly, the reasons which would influence it. Whatever may be the result of this discussion, (said Mr. B.,) all will agree, that it becomes us to conduct it in a spirit of considerate respect for the sufferings of the afflicted lady, who is the object of the benevolent provisions of this bill. The sorrows of widowhood and of orphanage are sacred. I am persuaded there is no one among those to whom I address myself, especially that there is no one who has permitted himself, for a moment, to consider the really destitute condition of the family of General Brown, whose feelings would not prompt him to alleviate their sufferings. The refusal of any member of this House to give his assent to this bill, will arise, I am sure, from no indisposition to relieve them, but from a distrust of the power to do so, or from a belief of the inexpediency of establishing the principle which it proclaims. It becomes us, then, to examine, as calmly as we may, both the claim which is made upon us, and our own power to afford the relief which is solicited.

A gallant and gifted soldier, who often perilled life in our defence, and wasted health in the exposure incident to protracted warfare, has been recently summoned from among us, leaving his family in a state of utter and hopeless destitution. To the desolation of the heart, which belongs to widowhood and to orphanage, are too surely superadded, in their

case, the horrors of instant poverty—the abrupt transition from comfort to want—it may be, the exchange of the greetings of respectful gratulation, for the chilling condolence of the world's cold charity—its protective kindness—its supercilious sympathy. The impulse which prompts to the relief of such sorrows, is innate, instant, irrepressible. We cannot be insensible to it, even in the cold exercise of legislative power. It is nature's own dictate, and it will be obeyed, unless controlled by the imperious obligations of conflicting duty. Do these obligations exist here? Must the warm, but often erring suggestions of the heart, be restrained and silenced by the calmer, colder, but more enlightened dictates of the understanding and the judgment? I am ready to yield—it may be a reluctant, but certainly an unqualified obedience to the latter—and yet I will confess it—it is due to truth to say so—that I would not surrender, without a struggle, the conviction which I feel, that the vote I am disposed to give, although it may spring from the impulses of feeling, is, nevertheless, consecrated by judgment.

Sir, I had, with this distinguished soldier, no intimacy of acquaintance, and of him no particular knowledge beyond that which is common to those with whom I am associated. The story of his life was, indeed, familiar to me, for it illumines the page of our national history; and the glory which he had carved out for himself, with his own good sword, has now become the common property of his countrymen. But there is little need, on this occasion, to invoke the feelings which belong to the intimacy of friendship; on the contrary, I would deal with this matter as coldly as gentlemen please—as a question of power, of justice, of policy.

The moment is not propitious, sir, at least, so far as I am concerned, to the discussion of a question of mere power—I do not propose it—but I would not shrink from it. I can yield to no one, in the sincerity of my disposition, to confine myself within the limits of our Federal charter; to preserve inviolable and untouched, the rights which are beyond its pale. But, if there be a power, which, more emphatically than any other, is given to the General Government, it is the power to provide for the national defence, in the hour of danger. It is given generally, and in detail—fully—freely—absolutely.

If the provisions of this bill be dictated by an enlightened policy, and consistent with a sound discretion, in the exercise of this power, the question of our authority to do what is proposed, is at an end. The position cannot be maintained, that the Department of the Government which is invested with the war-making power, is limited, in the remuneration of military service, to the simple fulfilment of its contract with the soldier. All Governments, in all times, have, from necessity, exceeded this limit. This Government has repeatedly

exceeded it. It habitually acts upon a principle, which transcends it. What is the principle of your pension law? Your contract with these soldiers, you say, has been performed. On a recent occasion, you have solemnly decided that it has been fulfilled to the letter. Whence then do you derive your power to make them objects of your bounty? That bounty is extended to the wounded; to the relatives of those who have fallen in battle; of those, also, who have died, in consequence of wounds received, or casualties encountered in your service. What is the pervading principle of these acts? What the motive to their enactment? What but to cherish that military ardor, which leads to deeds of chivalry in the hour of coming danger—to nerve the arm of the soldier when he strikes for his country? Look to the case of Penelope Denny, sent to us, two years since, from the other House, and passed without a dissentient voice in this. You gave to the mother of a gunner, who had died in your defence, a pension for five years. You have provided by law for the widows and children of those who die by accidents or casualties, (I use the words of the law,) occurring in your service. Gen. Brown was as emphatically sacrificed in that service, as if he had fallen in either of those glorious conflicts which gave lustre to his name.

Mr. MAcon said the pension law ought to be applied equally to all—to rich and poor. At present, there was a system of favoritism, not unlike to that of Great Britain, which was constantly referred to. Every season, some new cases were added to it. He knew that the feelings were always easily excited in favor of the defenders of our country; and he wished that provision might be made for them all, so as to give them enough to eat and drink, and what was decent to wear. This he thought the right system to equalize the operation of the pension law; and he must, therefore, vote against this bill.

The question was taken on engrossing the bill; and it was decided in the affirmative, by yeas and nays, as follows:

YEAS.—Messrs. Barnard, Barton, Bateman, Berrien, Boulogny, Chambers, Chase, Eaton, Harrison, Hayne, Johnston of Kentucky, Johnson of Lou., Kane, Knight, McLane, Marks, Robbins, Rowan, Ruggles, Sanford, Seymour, Silsbee, Smith of Md., Thomas, Willey, Woodbury—26.

NAYS.—Messrs. Bell, Benton, Braach, Chandler, Cobb, Dickerson, Ellis, Foot, King, Macon, Noble, Parria, Tazewell, Tyler, White, Williams—16.

FRIDAY, March 28.

#### *Kenyon College—Grant of Land.*

The bill granting a township of land for the benefit of Kenyon College, in the State of Ohio, having been taken up in Committee of the Whole, Mr. CHANDLER moved to amend the bill, by providing for a similar grant for

the benefit of Waterville and Bowdoin Colleges, in the State of Maine.

Mr. KANE said, that the bill under consideration had been reported upon the petition of the Trustees of Kenyon College, accompanied by a resolution of the Legislature of the State of Ohio, unanimously adopted by that body, enforcing the application. As strong (said Mr. K.) as was the claim of the petitioners, thus respectably recommended to a favorable hearing, there were other inducements to be found, in the circumstances of the origin of this institution, and of its progress to its present interesting attitude, which had operated more powerfully upon his mind. A few years ago, a reverend gentleman, now in this city, in his travels, which had been extensive, through the western country, discovering that the means for education were not commensurate with the wants of the rapidly increasing population of that great region of country, conceived the design of establishing a seminary of learning, in some convenient position, upon a plan as extensively useful, as the cheapness of the means of subsistence could possibly admit of. It was hardly necessary for him to remind the Senate, that in no country could the substantial of life be more cheaply obtained than in the State of Ohio. He believed it practicable, and experience had shown his belief to have been well founded, to reduce the expenses of an education at a regular college within the competency of the great body of the farmers of the country, and of men in ordinary circumstances, of other pursuits in life, to educate their progeny. With views thus benevolent, this pious and learned man (Bishop Chase) proceeded to Europe, and obtained from well-disposed and wealthy individuals there, thirty thousand dollars, to be applied to this object. From his own countrymen, he had obtained an additional sum of twenty-five thousand dollars. With such part of those funds as was not, by the donors, designated for particular professorships, a large tract of land had been purchased, in a central and healthy position in Ohio, and the title thereto had been vested in a corporation, which had perpetual succession. Buildings had been erected to a limited extent. Larger and more commodious edifices had been partly built, and must await the further aid of individuals, or of the Government, for their completion.

Mr. RUGGLES said, as he had presented the petition upon which this bill was reported, it would, perhaps, be expected of him, that he should say something in explanation of its object. The President and Trustees of Kenyon College, have, by their memorial, respectfully asked of Congress to grant them a township of land, to aid their efforts in rearing and building up a seminary of learning, which has been commenced under the most favorable auspices, and is now in a state of great forwardness. The funds which have been already acquired for this object, have been raised by the President alone, (Bishop Chase,) who has spared no

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pains, and omitted no exertions, within his power, to carry into effect this design. His great devotion to the success of this institution, for several years past, has led him to make great sacrifices of property, comfort, and happiness, to attain his object. He has succeeded beyond the most sanguine anticipations of his friends, and even beyond his own most ardent expectations. The donations already made, in Europe and in this country, amount to fifty-five thousand dollars, all of which are to be exclusively applied to the support of this institution. He now asks Congress to grant one township of the wild and unappropriated lands within the State of Ohio, to further assist him in the prosecution of this praiseworthy and patriotic undertaking. Mr. R. said he hoped the application would not be made in vain—he sincerely believed, that, when the Senate took into consideration the great and unparalleled exertion of this distinguished individual, in the cause of humanity, of morals, and of learning, they would not withhold the small assistance asked for.

Mr. R. said, the college, for which this donation was asked, is situated in the county of Knox, within a few miles of the centre of the State. A tract of eight thousand acres of land, very rich and fertile, has been purchased by a portion of the funds acquired, and on this tract the buildings of the college have been commenced. Its central position will furnish equal facilities to the inhabitants of every part of the State. This college has been incorporated by an act of the Legislature of Ohio, and the usual privileges have been conferred upon it. From the rapid progress already made in the buildings, its entire completion will be effected in a very short period of time.

There is always an interest created in the public mind to know something of those who devote their lives, and their best days, for the benefit of others, for the service of mankind. Mr. R. said he would make a plain statement to the Senate, of the great and extraordinary exertions of this distinguished individual, to build up this college, and, when it is considered that he has done so much, it cannot be thought inexpedient for Congress to do something. The President of this institution, is at present the Bishop of Ohio. He was, formerly, an Episcopal clergyman, settled as a preacher in the city of Hartford, Connecticut, by one of the most respectable and wealthy congregations in that portion of the Union. Had he been satisfied with a competent support through life, and desirous of living at ease, in pleasant and accomplished society, he would have remained with his congregation. But his mind was of a higher order; he was desirous of becoming more extensively useful to his fellow-citizens, and of enlarging the sphere of his benevolent exertions. In obedience to these high and honorable feelings, he determined upon emigrating to the western country. He left his situation with great regret, and

similar feelings were manifested by all his friends and acquaintances at their separation. It is about ten years since he established himself in Ohio. His professional duties required him, for several successive years, to travel into every part of the State, and, almost, to every county within the limits of the State. Here he collected the dispersed and scattered members of his society, and organized them into churches. It was a work of great labor, and required his constant and unremitted exertions. While thus engaged, he became extensively acquainted with the citizens of Ohio, and of the situation and condition of the rising generation. He saw, with deep regret, the great deficiency that existed in the means of education; and having connected his destinies with the people of the West, he resolved to exert all his energies to collect funds and establish a college for the purpose of instructing the youth of the country. It was a task of no ordinary character. It required perseverance and firmness of purpose, which but few possess. He commenced the work and has triumphed.

In the prosecution of his object, the President of this institution, a few years since, visited England, for the purpose of soliciting contributions to enable him to build his college. He had been there but a short time before a great interest was excited in his favor, and many of the most distinguished personages of that country contributed largely. Lord Kenyon, whose name the college bears, took an active and decided part, and a similar feeling and sentiment were created in others. From those generous benefactors of learning and science he received thirty thousand dollars in money, books, and other articles necessary for such an establishment. These funds, so generously contributed beyond the Atlantic, laid the foundation of this institution. Nor have our own citizens in the United States, been less mindful of the great interests of education. More than twenty-five thousand dollars have been subscribed by the people of this country. The generous and the patriotic have everywhere lent their aid, and upwards of fifty-five thousand dollars have already been realized. This money has been applied to the purchase of land, to the erection of the necessary buildings, and placed in productive funds for the support of Professorships. One other fact ought to be mentioned. While the gentleman to whom reference has so often been had, was in England, many persons were desirous of making him some presents—of conferring upon him some distinct favors, all of which he declined receiving, lest an imputation might rest upon him that his object in visiting that country was for his own private benefit, and not that of the institution. He requested that all those presents, intended for himself, might be given to the cause in which he was engaged—they reluctantly yielded to his request, and gave them the direction he required.



Mr. PARRIS said, that, in the reply to suggestions of the gentleman from North Carolina, he would state, that both the colleges in Maine, to which a grant is proposed by the amendment, are chartered institutions; each being under the control of a Board of Trustees, perpetual in its duration, in which are vested all the lands, and other property, belonging, or in any way appertaining, thereto. They are not incorporated as sectarian institutions, no particular religious creed being required, by charter or by law, as a necessary qualification for their Presidents, Professors, or other officers. Gentlemen of different religious sentiments constitute their Boards of Trustees, and students of every religious denomination are indiscriminately admitted. A donation, therefore, granted under such circumstances, would not enure for the benefit of any particular individual or religious sect, or even exclusively for the State, but for all who may hereafter have occasion to resort thither for the benefit of instruction. The intimation of the Senator from Ohio, that the amendment has been offered for the purpose of embarrassing the progress of the bill, is most assuredly erroneous. The Senate could find another, and undoubtedly a sufficient reason for the proposition to amend. The public lands have become a fund, upon which all who are seeking for grants, either for charitable, benevolent, or local purposes, seem anxious to draw. Applications for these lands, for such objects, have been increasing from year to year, until now the proposition to relinquish the whole, for the benefit of the States in which they are situated, has been distinctly submitted, and elaborately advocated. It should be recollected, that the public lands are the common property of the nation, purchased by the joint funds, or conquered by the joint efforts, of all who composed the Confederacy at the time of their acquisition. It is not wonderful, then, that members from other States, which have derived no especial benefits from these lands; for whose institutions or improvements not an acre has ever been applied, should ask for some small, inconsiderable grants, for similar purposes within their own States. This consideration, Mr. P. believed, had influenced his colleague to propose the amendment, and it was with no small degree of surprise, that he perceived the opposition to that amendment arose principally from the friends of the bill. Gentlemen have compared the claims of Ohio with those of Maine; and, because, on the division of Massachusetts, her public lands were equally assigned to the two portions originally constituting that State, have drawn conclusions unfavorable to the proposed amendment. What bearing that argument can have upon the question, is not easily perceived. The public lands of Massachusetts were the common property of her whole population. A portion of that population is formed into a separate community, and being legally and equitably entitled thereto,

receive a portion of the public funds, equal to its proportion of population. This new community has also a common interest with all the other States, in the public property of the Union. And can this interest be in any degree affected by the arrangements with Massachusetts? Most certainly not. As well might it be argued that no part of the public revenue should be expended in Maine, or munitions of war be deposited therein for her defence, because a portion of the personal property, including ordnance and military stores which she had heretofore owned in common with another State, has been assigned to her in severalty.

If the Senator from Ohio had turned his attention to another view of this case—if he had taken into consideration other facts which seem to have a bearing upon the question, he might well have come to a different conclusion. It ought not to be forgotten, especially in discussing this amendment, that one thirty-sixth part of all the public lands in the State of Ohio have already been granted for the use of schools therein, in addition to what has been given from time to time, for the endowment of colleges and academies. And what has Maine ever had from the public lands or public Treasury, for literary purposes? Not a dollar. While large grants have been made for various purposes to other States—for opening roads, constructing canals, educating the deaf and dumb, and other objects—the moment any effort is made to let in a State, which has shared nothing from this fund, what are we told, and that, too, by those who have been large participators and are still soliciting more? Stand aside, your claims are still to be deferred as of inferior merit. It is urged, as an argument in favor of this grant, that its effect will be to reduce the expense of education in the West, and that the benefit will accrue to those of that region who cannot now avail themselves of the advantages of a public education, for want of the necessary means. The same reason applies, with equal force, in favor of the proposed amendment, and another institution in Maine founded more particularly for the instruction of those designed for mechanical and agricultural employments, might, with great propriety, have been included. It is no less important in the East, than in the West, that the expense of education should be reduced; and if in the latter, in consequence of a milder climate or more productive soil, the expense of subsistence is less, it certainly takes nothing from the force of the argument in favor of the former.

Mr. TYLER would not have risen but for the reference made by the gentleman from Ohio (Mr. HARRISON) to William and Mary College, and the distinction attempted to be drawn in favor of Kenyon College, to the prejudice of similar institutions in Virginia. Extensive grants, it was true, had been made to William and Mary, by the King of England, yet it

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rested also on the basis of private donations. But William and Mary was not the only literary institution in that State, which was indebted to private donations. The College of Hampden Sidney, which had been for many years highly prosperous, had been reared entirely from the subscriptions of individuals, never having received as he believed one dollar from the exchequer of the State. The same remark was equally true in regard to Washington College; and, as to the University of Virginia, although it had received considerable endowments at the hands of the Legislature, yet it also had received important aid from the contributions of individuals. If the right existed to make grants of the nature contemplated by the bill, he could not admit that any distinction existed, either in principle or policy, between the case of Kenyon College and those which he had named. If any one State in the Union had stronger claims than any other on the public lands, surely it would not be denied that Virginia was that State. She had surrendered an extensive empire, out of which had been carved important States. Those States might be justly considered to be her daughters, for whose benefit she had surrendered her lands—whilst she had placed herself somewhat in the situation of King Lear. But he did not ask an appropriation of a portion of the public lands to the colleges of Virginia. He did not believe that Congress had any right to make such appropriation either to them or to any other literary institution. On the contrary, he protested against the passage of the bill under consideration, because he believed there was a total absence of such power in Congress.

It might be considered that the proposition before the Senate was of little consequence. He did not think so. Immensely important consequences often flowed from apparently trifling causes. The proposition made by Mr. Madison, when he was a Member of Congress, to cause a survey to be made of a post road from Maine to Georgia; a proposition which, at the time, scarcely attracted the attention of the public; had been made the basis of the system of roads and canals. All the advocates of that system planted themselves upon that precedent with an air of triumph. The sympathies of Congress had been appealed to on behalf of the deaf and dumb, and land had been given. That was already quoted as a precedent justifying the passage of this bill. He thought that, if the present bill passed, the Government might fairly be considered as having acted upon a new doctrine pregnant with consequences the most fatal in their character to the sovereignty of the States. If Congress had the right to endow a college, it had an equal right to establish primary schools of instruction; and a system reared upon this principle would address itself as strongly to the interests of the States, as any other which had been acted upon. Nor were his fears upon this subject wholly imaginary.

The President, in his first message, had thought proper to recommend the establishment of a National University; and, acting upon the principle *in extenso*, a proposition, he believed, had been made in the House of Representatives shortly thereafter to establish primary schools throughout the Union. Were gentlemen prepared to set a precedent which would be carried to such conclusions? He wanted to know of what value the State Governments could be if this Government took into its hands the supervision of the highways and the education of her children?

Mr. BAXTON objected to clogging the bill with a new provision at that stage, after it had undergone all the ordinary forms, and had been discussed in Committee of the Whole, and was ripe for final decision. He objected, also, to running parallels between the claims of different States, and striking a balance which was to be liquidated by legislative acts. He conceived that every bill ought to depend upon its own merits, and not upon its associations, and that the one in question (for the benefit of the Kenyon College) ought to be left to run its course, free from the companionship of the way passengers which might attempt to join company with it. This bill was for an object, specific, notorious, and recommended by the favorable request of the Legislature of Ohio. A legislative request from a sovereign State ought, at least, to stand for something. The new States, he admitted, appeared, almost too frequently for their own dignity, at the bar of Congress, in the character of petitioners; but this case was not subject to that remark. It was an application in behalf of a literary institution, which had made its way, from small beginnings, to a point of eminent usefulness, and that chiefly by the great exertions of a single individual, the pious and learned prelate, Bishop Chase. The fact that the institution had been able to command so high a testimonial of regard from the Legislature of the State in which it was placed, would be conclusive that it merited the friendly consideration of Congress. The amount of aid asked was not considerable, whether we regarded the ability of the donor, or the meritorious nature of the donation. The United States had more land than she could sell for any terms, even the lowest. The township requested would make no diminution which could be felt or known. The benefit of it would accrue to future as well as to existing generations, to the people of any part of the Union as well as Ohio. Students may go there from any State, and receive the benefits of education on terms of unexampled moderation. If the new States, and Ohio among others, were the owners of all the vacant soil within their limits, it might be proper for them to sustain their institutions upon their own resources; but as the fact was, all the vacant soil belonging to the Federal Government, paying no taxes, bearing no share of the public burthens, there was certainly a moral obli-

gation on this great landlord, an absentee in the worst sense of the word, to contribute to the advancement of their public object, whether for the improvement of the mind or the country, or otherwise. He knew it might be said that the United States had made an appropriation of land for schools; but he considered all such appropriations greatly overbalanced in this case, by the fifteen millions of dollars which Ohio had paid for public lands, by the taxes which she had lost, and by the increased value which the industry and capital of her citizens had cast upon the public lands. Mr. B. concluded with saying, that he need not descant upon the value of education in a free country. He would barely say, that the preservation of our republican institutions must depend as much upon the intelligence as upon the virtue of its citizens.

Mr. McLANE was desirous of so modifying the bill, as to make it more comprehensive, so that, if it were proper to pass it at all, it might embrace other objects than the particular institution provided for. He was unwilling that the bill should proceed in its present shape. It involved a subject of great magnitude, and proposed going further than we had ever gone before. Hitherto we had confined our donations of public lands to institutions for the education of the deaf and dumb. To be sure, these were institutions of a peculiar character, as well as it regarded the mode of instruction, as the unfortunate objects of their care; and on these accounts stood in need of aid, which might not be had from individual resources. On this ground he had hitherto stood, but this bill proposed to travel beyond that, and appropriate the public lands for the founding and endowment of an ordinary college. He did not know that he should be opposed to such appropriations, if the policy could be extended to all the States, and in such a manner as to promote the objects of education in each. He was unwilling to confine the favor to a single institution, in a particular State, without a prospect of extending its advantages to others. The whole subject was one of great importance, and he thought it incumbent on us to weigh it well before we acted definitively in any particular case. He thought we could not make this grant to Ohio, and refuse it to other States. The land was alike the property of the whole Union, though the gentleman from Ohio (Mr. HARRISON) seemed to consider it the exclusive property of the new States. It had been acquired by the common funds, and for the common benefit of the whole, and if it were now to be given for the purposes of education, there was no reason why all the parts should not share equally. He saw nothing in this particular institution which entitled it to peculiar favor; he thought, too, when this policy was adopted, that it would be proper to give to such State its proper proportion of the land, to be applied as in its own judgment might be proper to the several institutions within its

limits. Mr. McL. would, therefore, move to recommit the bill to the Committee on Public Lands, with instructions to inquire into the expediency of making donations of land to each of the States, for the support of colleges within those States.

Mr. BARTON opposed the bill. The State of Ohio, in his opinion, had no special claim to this donation; and that State had already received its full share of land for the purposes of education. He thought, if the lands were to be applied in this way, they ought to be applied equally to all the States in the Union. There were a hundred institutions in the country with equal claims upon Congress.

Mr. HAYNE said that this bill had been considered, by the Senator from Ohio, as making an appeal to the good feelings of the Senate—and another gentleman had gone so far as to say, that, to vote for it, would only be an act of proper courtesy to those at whose instance it had been introduced. Such is the guise, Mr. President, under which a measure is ushered into this House which involves one of the most important principles that could possibly be submitted to our consideration; and which, should it be sanctioned, will establish a precedent, that cannot be followed up to its legitimate consequences, without undermining the very foundations of the Federal Government. Sir, in matters of mere courtesy and good feeling, I should be disposed to go as far as any gentleman here; and towards the new States, I have never cherished any sentiments but those of kindness. But, when it is proposed to extend the jurisdiction of this Government to the subject of education, within the limits of the several States—when we are called upon to stretch the constitution, so as to embrace that large class of subjects which appertain to the improvement of the moral and intellectual condition of the people within those States—are we to be told that the decision of a question of such immense magnitude depends entirely upon the courtesy and good feeling of this House? Gentlemen insist that we must confine our inquiries strictly to this bill, which merely proposes to grant a township of land to a college in Ohio. But why do so, sir? Is it because gentlemen are unwilling to have exposed to open view the magnitude of the question involved in it? Is it because they apprehend that the grant of a single township to Ohio will be considered a small matter, while a similar provision for every State in the Union would excite the vigilance, and alarm the fears, of those who look with distrust on all extensions of the powers of the Federal Government, and especially over subjects which peculiarly belong to the individual States? But, sir, can any gentleman wink so hard as not to see that this bill does, in truth, involve the question, whether the Federal Government shall take the subject of education into its own hands, and appropriate the national funds to that object? I put it to the candor of the Sen-

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ators of Ohio to say, if this bill should pass, will they—can they—refuse a similar grant to Missouri or Kentucky, or to any of the new States? And when education shall be amply provided for, by grants of the public property in all of the new States, will they refuse similar grants to “the good Old Thirteen?” Can they refuse it to Virginia, who generously and magnanimously surrendered, without price, the very domain out of which this grant is to be made, and who surrendered it, too, on the express condition that it should be applied to the equal benefit of all the States? Grant it to Virginia, and surely it cannot be denied to any other State in the Union. Will either of the Senators from Ohio now rise in his place and tell us, that he will vote against any such proposition? I know they will not. Such a declaration would be the death-warrant of this bill. Then, Mr. President, I am justified in assuming, (what is in truth beyond a question,) that the passage of this bill must, of necessity, eventually lead to the grant of at least 25,000 acres of the public lands to every State in the Union, for the purposes of education. The question is therefore now fairly brought up, whether it is constitutional and expedient for the Government of the United States to take this subject under their care. I am in favor of the motion made by the Senator from Delaware, (Mr. McLANE,) to recommit the bill, with instructions to inquire into the expediency of making a similar grant to every State in the Union, because it looks the subject fairly in the face, and presents the true question, which we are now called upon to decide; and because, if we are to make a grant to any one State, I am clearly in favor of making similar grants to all.

But, sir, I have no hesitation whatever, in entering, at this stage of the business, my protest against the extension of the jurisdiction, and the appropriation of the funds of the Federal Government, to purposes of education within the several States. I know that all measures for the promotion of benevolent objects find an advocate in the bosoms of most men, and that the idea that the national funds should be appropriated to the improvement of the condition of the people, (whether by cutting roads and canals, enlarging the boundaries of science, or cultivating the minds and morals of the community,) is one very apt to be cherished by all those benevolent persons, who, when a good end is to be accomplished, never trouble themselves with an examination into the evils which may grow out of the measures adopted for its accomplishment. To such men, the bare suggestion that the constitution opposes a bar to the prosecution of any just or benevolent scheme, is regarded as a profanation of the sacred character of that instrument. But, sir, we, who, though charged with the duty “of seeing that the Republic sustains no detriment,” find ourselves restrained within the limits of a strictly delegated authority; who perceive, and feel, and are compelled to acknowl-

edge, that the liberties of this country can only be preserved by a strict adherence to the constitution; we, who know that, to extend the jurisdiction of the Federal Government over matters clearly reserved to the States, will finally overthrow this beautiful fabric of Government, which now stands the admiration of the world; we, sir, in the exercise of our high and sacred trust, cannot be influenced by any consideration but the preservation of the liberties entrusted to our care. It is our duty, sir, to exert a vigilant control over every department of this Government, and to resist every temptation to overleap the bounds of our authority. Sir, I am not more firmly convinced of the unparalleled excellence of our institutions, than that they must be of short duration, if this Government shall long continue to exercise jurisdiction over matters which belong to the States. By the very form and structure of our Government, the jurisdiction over all matters of a domestic or local nature is reserved exclusively to the States. To the Federal Government belong those powers which concern the foreign relations of the country—such as the question of peace and war, our commercial relations, and others of a similar character. While this great division is strictly adhered to, and good faith is observed on both sides, harmony will exist—but, when the Federal Government shall undertake, with its patronage, its influence, and its revenue, to invade the States—to interfere with, to regulate, and to control, their domestic concerns—then will begin that mighty struggle, the issue of which will decide whether this shall become a great consolidated Government, (with all power centred here,) or continue a Confederacy of free and independent States. It will be a struggle between liberty and despotism: for, surely, no man can be so infatuated as not to perceive that the destruction of the sovereignty of the States must inevitably lead to despotism here. But, sir, it is not my purpose to enter into the discussion of the constitutional questions involved in this bill. My purpose is merely to rouse the attention of the Senate to the importance of this question—to put them on their guard against suffering what I must consider as an alarming extension of the powers of the Federal Government, to creep into our legislation, in the humble and imposing garb of a charitable donation to a literary institution. Sir, this Government has already gone too far in assuming jurisdiction over subjects which either do not belong to them at all, or which they could only exercise under limitations which have been wholly disregarded. Let us look for a moment at the powers which Congress have already assumed, as well as the extent of that which we are now called upon to exert. The Federal Government has taken under its charge the whole subject of internal improvements within the several States, without restriction or limitation. We are now surveying the country, from Maine to Georgia,

and from the Atlantic to the Mississippi, nay, beyond the Mississippi, to the very frontiers of Mexico, with a view to the establishment of a magnificent system of internal improvement. We have already appropriated millions of dollars, and millions of acres of land, to these objects, and have already actually surveyed the routes of roads and canals, which it would take the whole revenue of the country, for twenty years, to construct, and yet the surveys are not completed. Roads and canals for military and commercial purposes, and for the transportation of the mail, have been laid out in every direction. But these, we are told, are all national. Sir, I should really be glad to know what gentlemen mean by a national road or canal. If those only are national, in which every State has an interest, then, certainly, very few of that description have yet been surveyed; and if all are national in which any portion of the people have any interest, then all are of this character. In the latitude assumed on this subject, it is certain that the power of the Federal Government is limited only by its will, and may be exerted to the extent of the whole resources of the country; and it will, I fear, be found, in its exercise, to be a power not to unite, but "to divide the States, by roads and canals." Having assumed to yourselves unlimited jurisdiction over internal improvements, your next step was to take under your care the subject of charities. Townships of land have been granted to Kentucky, Connecticut, and other States, for the benefit of the deaf and dumb. This has been done, because these unhappy persons were unfortunate. But are not lunatics equally unfortunate? Is there a form of human misery better calculated to excite all the sympathies of our nature, than a family of helpless children, left in a state of orphanage, without the means of support? Are the aged and the sick, and the destitute of every class and condition, to be excluded from your bounty, if misfortune alone is to be the ground of your interference? Sir, it is clear that, on the same principle on which you have undertaken to provide, out of the national funds, for the deaf and dumb, you may take all the charities of the country into your own hands, and build up a system of national poor laws as oppressive as that of Great Britain. But now we are called upon to take another most important step. We are to make a grant to private persons, to enable them to establish a college. It is not a grant to the State of Ohio, but to a corporation, consisting only of a few private individuals. A great deal has been said of the benevolent character and distinguished talents of the right reverend gentleman who is at the head of Kenyon College; and the excellence of the system adopted at that institution has been highly eulogized. Sir, I accede to all that has been said on these points. But, if you make a grant to one college in Ohio, will you not be called upon, and can you refuse, to make it to others? And

when you have passed through all the respectable colleges in the United States, must you not take up the common schools, and provide also for them? In short, at what point are you to stop? It is to my mind perfectly clear, that, if you pass this bill, you may, on the same principle, be called upon to provide for all the literary and scientific institutions in the Union. Sir, if the subject-matter is fairly within your jurisdiction, it will be better to adopt a grand system, at once, for the advancement of education in every State of the Union. My objection rests on the ground of your having, under the constitution, nothing at all to do with the subject.

Mr. MACOX said that it was of little consequence whether the bill passed with or without the amendment. Either way, it would demonstrate that, whenever a door was once opened, they never shut it. It began with the deaf and dumb, and it is going on, so that, before long, it will embrace every thing. I don't like to hear members talk about the constitution, said Mr. M. It is useless. I have taken my leave of it some years ago. This donation is for a college established by a meritorious individual. But, if we look to the merits of individuals, where shall we stop? Is this the only establishment in the United States which merits assistance? Yale College has always been highly spoken of, and that has as good a claim as this. I do not know whether this is a State institution, or whether the States manage these establishments in the North and West—but, in the South, the State puts them up and supplies the funds. If you begin with this institution, where will you end? Do you not believe that it will open a door for the entrance, with a petition, of every State in the Union? It will bring the States to Congress, where they never ought to come. These things appear small in the beginning, but they grow in consequence as they go on. As to the desire for education, it is universal; there is not a man in the United States who has as much knowledge as he covets. The argument that education is a blessing, has never been denied. But was it to be managed by Congress? As they went on to increase the powers of the National Legislature, they made it more unwieldy, and increased the friction of the machinery. All the States would ask for assistance, if it was given to one. There was formerly a college in Maryland, and it was burnt down, and all the property was destroyed, but the land; and they had never been able to put it up again; but it remains as it was. Whether this was to be a sectarian college or not, he did not know; but he was against the donation, on all considerations, as setting a bad example.

The motion to recommit was decided in the negative.

The bill was ordered to be engrossed for a third reading; and on the 31st of March, it was read a third time, passed, and sent to the House of Representatives.

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*French Colonial Trade.*

[SENATE.]

MONDAY, March 31.

*French Colonial Trade.*

The bill to regulate intercourse with the islands of Martinique and Guadeloupe, was read a second time.

Mr. WOODBURY said it was unnecessary for him, at this time, to offer any thing beyond a brief explanation of the origin and operation of this bill. It will be recollected, said he, that, in 1825, the British Government, by an Order in Council, opened many of their ports in their West India colonies to all the world, on certain specified terms. Those terms it is not important to enumerate, except that the measure was required to be met by other nations, within a particular time, by commercial regulations of a liberal and reciprocal character. The history of the attempt by this Senate to reciprocate the measure, is fresh in the remembrance of all, and the consequences as well as the causes of the failure of that attempt need not now be repeated. But the French Government early seized upon the opportunity offered by the British order, to extend the commerce of her dependencies, and met it by the French ordinance of February, 1826. That ordinance has recently been placed on the tables of all the members of this House; and its provisions, equalizing the duties on tonnage to vessels of all nations that enter Guadeloupe and Martinique, and imposing a very low tariff on many important articles of export from this country to those islands, are now familiar to all.

The present bill is intended to reciprocate, in a friendly spirit, the provisions of the ordinance. Mr. W. said he could conceive of no objection to its passage, unless gentlemen should apprehend that some important cause, during the last two years, has prevented any steps being taken to meet the ordinance, which ought still to prevent any; or that the bill goes further in its indulgences than the ordinance.

As to the first supposed objection, Mr. W. remarked, that he held in his hand a communication from the Department of State, in answer to inquiries by the committee, and which would be read, if any member desired it, assigning certain reasons for the delay. It appeared by this communication that the ordinance was presented to this Government, by the resident French Minister, as early as June, 1826. It is stated that no special demand was then made, as to what should be done in relation to it; that the President doubted his power to meet it by proclamation under our statute of January, 1824, concerning the removal of discriminating duties; that its publication was noticed in some American newspaper, by the State Department, soon after it was received, though, Mr. W. said, it had not been his fortune to see it republished in any of the Northern commercial papers, or in those printed at the seat of Government; and that nothing since had been done, or had publicly

transpired, concerning the ordinance, till, on a resolution of the vigilant Senator from Maryland, it was communicated to this body. All know, that, after having been thus communicated, it had been referred to the Committee on Commerce, and they seeing no reason why the ordinance should not be promptly met, by a grant of similar privileges to the commerce of those islands, had reported the present bill.

The committee deemed it necessary to act speedily, as the long delay to reciprocate the measure had given rise to a report which, he trusted, would not be verified, that the privileges, so far as regards American vessels, had been, or were about to be, withdrawn. They deemed the trade also of sufficient importance to this country to require early and sedulous attention from the constituted authorities, in its preservation and improvement.

Mr. SULLIVAN said that the bill under consideration received his approbation in committee, and would receive the support of his vote in the Senate. He considered the ordinance of France as a measure adopted by that Government with a view to its own interest, and without reference to the accommodation of other powers. The decree itself shows this, by the omission in it of such provisions as are found in the acts of our own, and every other Government, which are contemplated to be met by, or to depend on, the acts of another party. It is a temporary act, said Mr. S., revokable at the pleasure of the French Government, and must have been so considered by this Government, to whom it was not then even suggested that a corresponding act on our part was required or expected. The supposition that a knowledge of the existence of this decree had been kept a secret in the Department of State, Mr. S. said, was erroneous. Although he had not heard of this decree himself, until since the commencement of the present session of Congress, and, under an apprehension that its existence might not be generally known, he had forwarded several copies of it to commercial sections of the country, yet he did not do this with any expectation of giving information to those who are usually engaged in trade to those islands, as he could not believe them to have been so long ignorant of it; for these voyages are made every few months, and, if the rates of duties, or privileges of trade, were essentially altered by this decree, no master or owner of a vessel, which had been at those islands since it took effect, could be so regardless of their interest as not to have a full knowledge of it. Mr. S. said that, very soon after hearing of this decree, he found that it had been published in several newspapers; one of which publications he had seen in a Baltimore paper (he believed it was the Commercial and Daily Advertiser) of the 26th of June, 1826, extracted from the Norfolk Beacon of the 24th June, which publication was made over the name of the French Consul, and gave all the particulars of the decree. The date of this

publication, Mr. S. believed, was the very day on which it was received by our Government; so that they could have given no more publicity to it than they must have seen had already been done by an officer of the French Government.

Mr. S. said he knew it was the practice of the Government to publish our own laws, or those of a leading character; but he did not know whether it was, or was not, their practice to publish those of foreign Governments; he had, however, understood that such was not their practice; at any rate, it could not have been necessary in this case, seeing that it had already been done by an officer of the Government from which the act had emanated. Mr. S. said the Senator from New Hampshire had misapprehended the amount of duty on rice, in stating it to be 7 per cent. He would find it to be 7 francs per 100 kilogrammes, which is equal to 65½ cents per hundred weight, or about 20 to 25 per cent. on its prime cost; but, whatever may be the rates of duties, they are to be the same on importations in our vessels, as in those of France, which should satisfy us on this point. [Mr. S. here enumerated the kind and amount of the several articles exported to these colonies the last year, giving an aggregate amount of 900,000 dollars.] Mr. S. suggested to the Senate (without offering any amendment) that the proviso of the bill did not authorize the President to annul it, while any one of the privileges granted by the decree existed, or while any one of the articles enumerated in it, were admitted into the French islands.

Mr. WOODBURY remarked that he had inadvertently stated the duty on rice at 7 per cent. At 7 francs the hundred kilogrammes, it would amount to from 18 to 20 per cent.

Mr. BRANCH rejoined, that, with the highest respect for the gentleman from Massachusetts, (Mr. SILSBEE,) he very much questioned whether the Senator himself was satisfied with the reasons assigned for the suppression of this truly important information. For he now considers it to be our duty to pass the bill on your table, and thus place the trade of the two countries on the basis of equality. Had the gentleman been in possession of this information at the last session, would he not have considered it to have been his duty to have advocated the passage of a similar law then? Most assuredly he would; for all must admit that, if it is right and necessary to legislate now, it was equally so then. Why, then, has this ordinance, this new tariff, of duties on the trade with Guadeloupe and Martinique, been withheld from the American Congress? Mr. President, the cause is but too apparent. Believe me, sir, the people of this country are too intelligent to be blinded in this way; a short retrospect will enable them to understand the policy and views of those at the head of our Government, and properly to appreciate their motives. The disclosure was calculated to reflect on themselves,

and to throw their own conduct into discredit. Mr. Clay says that the French ordinance was published in some one or two of the newspapers of this country in 1826, which, however, no person that we know of, or the committee, could find, ever saw, or can now find. Admit it, however, to be true, is it a sufficient reason why the President of the United States should not have officially communicated the intelligence to both Houses of Congress? Is this the proper course for the Chief Magistrate to pursue? For an officer, whose constitutional and sworn duty it is to give all proper information, from time to time, to the Congress of the United States? No, sir, this cannot have been the true reason for withholding the facts from Congress. It is a mere subterfuge, disreputable to the American character. They have, by their own showing, said Mr. B., acted in a manner which merits the severe reprehension of the people of this country.

Mr. TAKEWELL would suggest to the Chairman of the Committee on Commerce, (Mr. WOODBURY,) who introduced the bill, of which he entirely approved, whether there was not some hazard that this bill, in its present shape, would repeal the construction which the Executive had given to the law regulating the commercial intercourse between this country and France herself. The Senate had seen, from a communication made by the Secretary of State, that, in the exercise of the discretion vested in the Treasury Department, on the arrival of some French vessels from France, via Martinique, doubts arose whether they were to be regarded as coming from France or from Martinique. There was a wide difference as to the duties to be paid in either case; but the proper officer of the customs had been directed to consider them as coming from France; thus placing them in the most favorable situation. Suppose, said Mr. T., a vessel bound from France to Martinique, with a cargo of claret, sells, on her arrival there, a part of her cargo, and with the balance arrives in the United States, will she, if this bill passes, be regarded any longer as a vessel from France, or from Martinique? Might not the passage of this bill be regarded as confirming the Executive construction, and so subject such vessels to greater duties than are now imposed on our own vessels, under similar circumstances, and thus subject our navigation to greater losses than any benefits to be derived from the bill would produce? Mr. T. thought the bill had better be so amended as to guard against such a possible result.

Mr. SMITH, of Maryland, moved to amend the bill, by inserting, in the fifth line, after the word "islands," the words "or of France." The object of this amendment, Mr. S. said, was apparent. He had understood that French vessels coming from France, via Martinique and Guadeloupe, have been admitted into our ports on the terms of the convention; and this being the case, why, said he, leave the matter to con-

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*French Colonial Trade.*

[SENATE.]

struction? Why not word your law so that it may be expressed? If the bill passes, and goes out to the world in its present shape, it will be considered that vessels coming here from the French colonies, originally from France, will be subject to alien duties; and France will then have cause to complain. Why not, said Mr. S., make the matter so plain as to be understood by everybody? France, said he, employs very few colonial vessels: her colonial trade is principally carried on by vessels coming from old France, and touching at their colonies for cargoes, which they bring to our southern ports. The French trade is very important to us; it had quadrupled itself since the convention was entered into. That convention, said Mr. S., was very odious to the French merchants, particularly to those of Bordeaux; for he believed himself warranted in asserting that, since our vessels had been admitted into the ports of France, on the same tonnage duties as French vessels, nine-tenths of the trade was in our hands. Sir, said Mr. S., a new administration has come into power in France; we not know what their views are; but we do know that the views of Villele were of the most liberal kind. He was going on gradually to place the trade of the whole world on terms of the most fair and perfect reciprocity. He did not know, as he had just observed, what might be the policy of the new French Ministry; but the merchants of Bordeaux were using every exertion to abrogate the convention. They say, that, since it was entered into, the Americans monopolize the whole trade.

Of all countries, said Mr. S., I wish to conciliate France. She is important to us in a political point of view—important to us in a commercial point of view. Our exchanges with her are highly advantageous, as she takes from us our cotton, tobacco, rice, and other staples, and, in return, we get from her many articles much cheaper than we can get them from England. From the view he had taken of the subject, he could not but hope that this amendment might prevail.

Why, said he, leave that to construction, which we can make express? Why not make our law such, that France may be perfectly satisfied?

Mr. McLANE said, that he was not very decided in his objections to the amendment, but he considered it not altogether consistent with the bill, and rather a departure from practice; and on those grounds he should be gratified if the mover would withdraw it. The bill was not framed with a view to the direct trade; and no provision that they could insert would affect the convention between this country and France. The bill is solely applied to the regulation of the colonial trade. The arrangement which was to be made by this amendment in relation to the direct trade, was, he considered, settled by treaty. Whether vessels coming from France, and touching at the colonies,

should be admitted here, was not the question under discussion. The Government has already decided that their construction of the convention is favorable to their admission. On that subject, therefore, nothing could be done, and nothing was needed. It was already settled by treaty. If the French have this right, Congress could not prevent it. If they have not, it ought not to be given to them, and Congress ought not to interfere. Suppose that France were to put a different construction on the convention to-morrow, by which this privilege, granted to them by our Government, should be denied to us in return? We should then be bound by our law. We could not then control any unexpected act of the French Government, because we should have tied up the hands of our Executive by this bill. At present, the construction of the convention by our Government, was, that, if a vessel leaves part of her cargo at the islands, she may come here with the remainder, and her voyage is not considered as broken. But, if she takes in a new cargo, her voyage is broken, and she is not allowed to come here under the terms of the convention. If, however, the amendment were to be adopted, she may do so. Hence, the provisions of this bill, so amended, would interfere with the terms on which the direct trade has been settled between the two countries. He, Mr. McL., thought it would be unwise to do this. We were proceeding gradually in the adjustment of our trade with France, with whom we now have a fair understanding. He thought, therefore, that nothing ought to be done which would confuse or interfere with that perfect arrangement of the intercourse on fair and reciprocal principles. These were briefly the views which induced him to wish that the amendment might not be adopted.

Mr. SIMMONS said that the bill, as reported by the committee, not only fully reciprocated all that was granted by the French decree, but went even a little further. That decree did not permit the importation into Martinique and Guadeloupe, of all our products, but an enumerated list of them, from which flour and some other articles were excluded; whereas the bill now under consideration permits the importation into this country, from those colonies, of any and all their produce which may be permitted to be brought here from thence, in their vessels. The amendment of the Senator from Maryland will authorize the importation from thence, of any of the produce and manufactures of France which may have been previously deposited there, which will be giving to these colonies, and without equivalent, greater privileges than are enjoyed either by France or England, under the existing treaties with them. The produce of these French colonies cannot be imported into this country from France, yet, if this amendment prevails, the produce and manufactures of France may be imported from these colonies; this was, Mr. S. believed, what never had been done by this



Government, except under treaty stipulation and for a fair equivalent. Mr. S. said, that he had understood that our trade with France was probably now the subject of negotiation between the two Governments; and, said Mr. S., would it be wise or sound policy to interpose a measure like this, and thereby derange the progress of negotiations? It has just been said that a leading object with France, in her trade with this country, is to get her produce and manufactures into this country, on favorable terms: if this be the case, the proposed amendment would give to the French Government a great advantage in negotiations which may now be pending. It might give to France all that she wanted. And it was certainly bad policy, when we were endeavoring to make an advantageous arrangement, to make such an offer in advance, without knowing whether any equivalent would be received for it. France may say, we have already a right of introducing our produce and manufactures into the United States, through the colonies, and therefore do not wish to negotiate on that subject. The possibility of interrupting an arrangement which could be made so much more satisfactorily by treaty than by legislation, ought to be avoided.

Mr. JOHNSTON, of Louisiana, said the amendment of the gentleman from Maryland is unnecessary, and is confounding two things, which are entirely distinct in their nature. The bill was carefully prepared by the committee, with a perfect knowledge of the whole subject, and it embraces every thing proper to meet the terms of the French ordinance.

The direct trade between this country and France is regulated by a convention, and it has been settled that the vessels of either may touch at any colonial or foreign port for information, without a deviation from the direct voyage. But, if a French vessel touches at the colonies, and breaks bulk, it is a deviation, because the French colonies are excluded from the operation of the convention; but this trade will fall within the operation of this bill. It is, therefore, unnecessary to connect what properly belongs to the construction of the convention, with the regulations of the colonial trade.

This ordinance is temporary in its character—it is revocable at the will of the sovereign; and we have had no evidence that it was intended to be permanent. There can be no indisposition in this Government to reciprocate the terms of it. But the gentleman from Maryland is entirely mistaken in his views of France, in passing this regulation. Navigation is not the object of France. She knows that she cannot contend with us. It is trade—the exchange of productions, to which she looks. The gentleman says we have nine-tenths of the carrying trade since the operation of the convention; and then says, France had the interest of her navigation in view, in passing the ordinance, which is to equalize the duties. It

is true, as the gentleman says—the trade has vastly increased; and it is this increasing trade—not navigation—that induced her to promulgate this ordinance. France, feeling that we have some advantages in navigation, requires of us other commercial advantages, as an equivalent; and now the gentleman urges the passage of this bill, as an object of great importance, to conciliate the shipping interest of France. Sir, France wants our markets. Her object is, to get from us what she wants, in exchange for what she can give us. She knows, that the moment the duties are equalized, our national advantages will give us the carrying. She finds her advantage and her equivalent in the valuable and increasing trade. The shipping interest will not be conciliated by this bill. What can they anticipate from the operation of a principle which the gentleman says they are dissatisfied with, and which, he adds, gives us nine-tenths of the carrying trade?

Mr. SMITH, of Maryland, said, if the gentleman would desist, he would withdraw his amendment.

Mr. HAYNE said he should suppose that the very fact of our being about to pass this law now, furnished a sufficient reason why we should have passed it a year ago, if we had then possessed the information we have now. The gentleman from Louisiana says, that the French Government, in issuing this ordinance, had acted with regard only to its own interests; but, said Mr. H., can there be a doubt that the duties on American produce, carried into the French islands in American vessels, have been reduced in a manner highly favorable to us? Can it be doubted, that such reduction of duties on American tonnage was calculated to benefit the American farmer and ship-owner? And, farther, can there be a doubt, if we do not reciprocate, that we will be holding out an inducement to the French Government to rescind the ordinance? He must say, that it was unfortunate—he would use no harsher term, in this debate, than unfortunate—that this matter had not been laid before Congress by the Executive, and that a bill, meeting the liberal views of the French Government, had not been passed a year ago. He took it to be the true, he might say, the settled policy of this country to reciprocate every act of foreign Governments, which had a tendency to put our commercial intercourse on a more liberal footing. This we had done, in some instances, by treaties, and in others by legislation. He took it for granted that the French Government, in issuing this ordinance, had been influenced by a due regard to their own interests, but it by no means followed that they would adhere to the policy of imposing low duties on our produce, if we persevered in imposing high duties upon theirs. There was no fact in this case to show (as the gentleman from Louisiana had contended) that the French ordinance was merely temporary, or that it was not expected of us to reciprocate it. If it

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has continued unrepealed to this day, notwithstanding our omission to take the smallest notice of it, we might well regard it as a permanent regulation; but if it had been temporary, the reason would only be strengthened, why we should have reciprocated it without delay.

Mr. TAZEWELL said he should not vote for this bill, but for the proviso which it contained. This would enable the Executive to meet the contingency of the French Government repealing its ordinance. He had information, upon which he entirely relied, that, at this very moment, such a contingency had probably occurred. Should this prove to be the case, it was necessary that our regulations should conform to those established by France in reference to this subject; and the power to produce such a conformity on our part, was given to the Executive by this proviso.

The event, which the intelligence he had referred to, rendered so probable, (a change of the policy of France since the promulgation of this ordinance,) had occasioned him to reflect upon the causes which might have contributed to its production; and amongst these causes he could see none so probable, as the inattention of the United States during so long a period, to meet the overtures made to us by France in this ordinance. The history of the transaction, as he understood it, was this:

In the summer of 1823, Great Britain, not having concluded any satisfactory arrangement with the United States in relation to her colonial trade, passed a law, whereby the ports of her colonies were closed, after a certain day, to any nation who did not reciprocate with her the provisions of that law, and opening them to any nation who should do so. The Executive of the United States, although in possession of this act of Parliament, failed to submit it to Congress, as he ought to have done. In consequence of this, the time limited by the act expired without any reciprocal aid being passed by us. Great Britain then finding herself in a different situation from that which she had before occupied in relation to the United States, gave effect to her own statute, and her West Indian ports were so closed to the vessels of the United States.

France acted with more discretion; and, in February, 1826, adopted this ordinance, by which the British act of Parliament is reciprocated by her. The effect of this ordinance, however, is, to open the ports therein mentioned to the vessels of any nation. The United States, therefore, might have entitled themselves to its benefits as well as any other power. To enable, as well as to induce them to do so, in June, 1826, the Baron de Mareuil, the French Minister at Washington, communicated this ordinance to our Government. The Minister, afterwards, expressed to our Secretary of State a wish, which the Chairman of the Committee of Commerce has read from the despatch containing it, that the liberal provisions of this ordinance should be reciprocated by us.

Mr. MAOON said that the publication of the French ordinance at Norfolk and at Baltimore did not give it that credit to which it would have been entitled had it been published here, in papers which have extensive circulation, and which are authorized to publish the laws of the United States; especially had it been said that the information was communicated by the Department of State. It was natural to suppose that the obscurity of the papers in which it was published, rendered the information doubtful.

[The question being then taken on engrossing the bill for a third reading, it was determined in the affirmative; and the next day the bill was read the third time, passed, and sent to the House.]

TUESDAY, April 1.

*Graduation of the Price of the Public Lands.*

The bill to graduate the prices of public lands, was taken up, Mr. HENDRICKS' amendment still pending.

Mr. JOHNSON, of Kentucky, said that nothing but a deep conviction of the importance of the subject now before them, could justify him in occupying the time of the Senate, after the luminous remarks of the Senator who introduced the bill, (Mr. BENTON,) and others who have so ably supported it. The great object of legislation is the happiness of the people; and a measure calculated to give every man a home of his own, and without diminishing the resources of his neighbor, should find an advocate in every patriot and philanthropist. It is a measure, said Mr. J., which is calculated to strengthen the sentiment which unites the citizen to his Government and to his country. The interest which it involves is not merely local. The most needy from every State in the Union will enjoy its benefits; and my own constituents being contiguous to the States and Territories in which these lands lie, have a claim on my efforts to advocate the measure. It is not from a desire to be heard, for it is with great reluctance that I venture to tax your patience, but it is in the discharge of that claim that I presume to give my views; not in detail, but in some general remarks, which I hope may be the less tedious upon a subject so exhausted, and yet so inexhaustible.

If I mistake not, about eight States and Territories have memorialized Congress, by their Legislatures, upon the subject of this graduation in the price of the public lands, and, in addition to those, numerous petitions have been presented from the citizens of several of these States, calling for the same measure. The deep solicitude thus manifested by so respectable a portion of this Confederacy, calls for a rigid investigation of the subject. The interest which this proposition has excited, is *prima facie* evidence of its correctness. I am aware that it has been imputed to selfishness on the part of the new States and Territories. There

is scarcely a measure of the Government, however national in its character, but what is more immediately interesting to one particular section of the country than to another; and the charge of selfishness would lie with equal propriety against that section. If a harbor is fortified, or even a light-house erected, the vicinity of its location is more immediately benefited by it, than places remote from its establishment; yet the measure is national, and no person envies the neighborhood that receives more immediate benefit, nor charges its Representative with selfishness in advocating the measure. Upon the most thorough investigation which I have been able to give of this subject; in viewing its bearings upon the whole country; in regarding its intrinsic merits, and the universal diffusion of its benefits, I am compelled to pronounce it a national measure, divested of the character of selfishness.

This Government, for upwards of forty years, has been the proprietor of extensive domains; and during the same period, these domains have every year occupied much of the time of Congress. For the disposal of these lands, Congress have, at different times, adopted three different systems. The first exposed the lands to sale for one dollar per acre, payable in certificates of stock of the national debt. This system continued for about fifteen years, and was abandoned. It had been resorted to as a convenient method of sinking the national debt, but proved abortive. The next system was that of credit. The minimum price was fixed at two dollars per acre; and, on the payment of one-fourth of the purchase-money, a credit was given upon the residuary of two, three, and four years, without interest, and extended to five years with interest. Under this system debts were incurred by individuals to the Government, which increased from year to year, till they amounted to the enormous sum of twenty millions of dollars. It was then perfectly obvious that the payment of this large amount within five years, was utterly impossible; and an attempt to enforce it would ruin thousands of families of the most meritorious, because the most industrious and enterprising of our citizens, and without benefiting the public. Relief was very properly provided, by permitting each one to retain what he had actually paid for, and relinquish the remainder. The defects of the system having been thus demonstrated, it was abandoned. The present system was then adopted, which reduces the minimum price of the public lands to one dollar and twenty-five cents per acre, and requires the money to be paid in hand. The operation of this system, though more beneficial than either of the others, is still defective. It leaves many families destitute of a home, because, without land on which to raise the means, they are unable to purchase at the present rate, while so many millions of acres lie waste, inviting them to labor, and promising them an ample reward.

The bill before us proposes so to graduate the price, as to reduce it after next November to one dollar per acre; after a lapse of two years from that time, to seventy-five cents; and thus continuing a reduction of twenty-five cents every two years, till it shall sink to twenty-five cents per acre; and then to give to the actual settler the privilege of purchasing a quarter section of one hundred and sixty acres for eight dollars. After this, it proposes to relinquish the remainder to the State in which it shall lie.

About 140,000,000 of acres of public lands have been surveyed and offered at public sale. About 20,000,000 of acres have been purchased, and about the same quantity has been appropriated to military bounties, benevolent institutions, and purposes of education; leaving 100,000,000 now in the market, equal to about sixty acres to every family in the United States. Some of these lands have been in the market forty years; some twenty, and all for several years. During this lapse of time, every purchaser has made his selection of the most valuable tracts; and what now remain are the cullings of the original domains, the whole of which have been offered at public sale, and from which four-tenths have been taken by choice of the purchasers. The public having thus received the advantage which the fertility of select portions of public lands could afford, and individuals able to purchase, having made their selection, the sales are become sluggish on account of the refuse being held at the same price. The proposition is now to graduate the price of the refuse lands according to their value, and the ability of the less opulent, though not less meritorious citizen, to provide for himself and family a home and a support.

We have a virtuous and industrious population among us, who are willing to cultivate these lands, if they may be permitted to call their labors their own; and if the wealth and resources of the nation in any degree consist in the improvements of the country, only speak the word, and they will raise the nation to opulence unexampled. The forest will bow to the husbandman, and your wilderness will smile like Eden. Their habits urge them to the work, and a waste domain, almost boundless, invites them to its banquet. The laboring poor, in a country like ours, constitute the strength and glory of the nation. We must accommodate our measures to the peculiar genius of our citizens, and not follow the polluted footsteps of despotic Governments. It is not with us as with them, where the poor may be reduced to a dependence upon the lord of the manor, and bow submissively to his pleasure, because he gives him leave to toil. An American may be poor, but he cannot be servile. He may be without property, but you cannot deprive him of his independence. We have too long followed bad example, in a course calculated to break his spirit, if the spirit of an American could be broken. We

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have seen him immured in prison for his misfortune; but the barbarous practice has only demonstrated the proposition, that an American soul is above degradation. Place him in the most abject circumstances, and he will still be your equal, and make the consciousness of it reciprocal. We have no moneyed aristocracy in our country; and the perpetual revolution of property, where entailments are not tolerated, is a certain pledge that we never shall. The poor of one generation are the rich of the next generation. Families wax and wane as certain as the moon. It then becomes the interest of every person to provide for the comfort of the poor. In so doing, the most opulent are providing for their own posterity; and while we retain affection for our offspring, we shall glory in the idea that poverty cannot degrade. It is a certain guarantee for their independence, under every reverse of fortune. If God, the poor man's friend, has given him a noble mind, and placed him in circumstances under which its independence cannot be broken, the same beneficent Providence has provided us the means of making him happy, by the same act which will at once give strength and riches to the nation. Adopt the measure now proposed, and there is not a man in the Union so poor but that he may cultivate his own land, and plant his family upon his own domain.

The most inflexible virtue is found among the most penurious of our citizens. When luxury has enervated both the physical and moral powers of the voluptuary; when our cities become the nurseries of corruption, virtue will still find a welcome abode in the hearts of our industrious yeomanry. On them depend the integrity of our Government and the permanency of our institutions. Policy and justice unite in pleading their cause. They constitute a barrier against foreign invaders and domestic usurpers, alike formidable to both. In aristocratic Governments, the nobility must be provided for; and when a commoner is ennobled, an estate is settled upon the title to support its dignity. Here, every American is a nobleman. Every man is born a peer. His nobility is more permanent than wealth. It consists of independence of mind; and, to support his dignity, is only to maintain that independence. Place within his power the means of obtaining a propriety in that land which his own honest hands will cultivate, he asks no greater wealth than what his industry will acquire. His residence will be permanently fixed. His attachment to his country will be strengthened. His temptations to vice will be fewer and weaker. He will feel it more his interest to be a patriotic citizen and a useful man. He will develop the latent resources of the country, and disclose ample stores of treasures before concealed. His family will be happy, and his children will rise to industry and virtue. If we expect to survive our liberties, we may indeed reserve our public

domains for the endowment of future dukedoms; but, for myself, I make no calculation for such an event; and, except for such an event, I can scarcely conceive the object of retaining these lands. If we expect future generations to enjoy them, the present generation are willing to improve them for the future. I would now ask, can the Government make a better disposition of them? If we desire an increase of national wealth, this measure will gain it in the highest degree. If we would increase the happiness of the nation, this measure will carry felicity into the families of thousands. If we could strengthen that patriotism which Americans already feel above any other people, this measure will effect the object. While every man, under his own vine and fig-tree, will enjoy the fruit of his labor, you will scarcely find a fugitive in our country. If national strength is an object, experience proves, that, where a propriety in the soil is combined with all the charms of liberty, a people will prove unconquerable.

We have now, west of the Alleghany mountains, a population of about 3,000,000 inhabitants, and their character for every excellence that can grace a free and independent people, may challenge a comparison with any equal population on the face of the whole earth. It is chiefly composed of emigrants from the old States, bringing with them all the virtues of their fathers and their brethren, and remaining uncontaminated by the effeminacy of luxury or the splendors of wealth. In the late war they proved themselves worthy of their ancestors, and of the country which they so gallantly defended; and they are this day, as I trust they will long remain, an example of the blessings of that state in which each man is the proprietor of the spot which he inhabits. Give the facilities which this measure provides, and you will perpetuate these blessings. Nor can I conceive a reason why we should refuse, unless it is that the wilderness may remain a wilderness, and its latent treasure undisclosed.

It may be objected that the measure will induce emigration from the older States. On this point I would ask the father, with his fifty acres converted into a garden for the comfortable support of a numerous family, if he would wish to confine all his children to his own little spot, by depriving them of superior advantages in another State? Would he not rather have a prospect of independence before them? The evils of emigration are ideal. Its evils have never yet appeared; nor have its ideal evils been defined. I would ask any gentleman to point them out; to put his finger on the map and mark the place, either in the old State or in the new, which has been injured by emigration. Man is naturally inclined to cleave to the spot which gave him birth, till he can improve his condition by changing it; and, when emigration will increase his happiness, it is an advantage and not an injury. As the population of the old States multiplies, they who can-

not procure a comfortable settlement at home, find it in the new. A population, which would otherwise become penurious and fugitive, are settled in the enjoyment of competency; and thus the tide of emigration becomes as beneficial to the old States as to the emigrants themselves. It also strengthens the interest which each section of the Union feels for the prosperity of the whole. It perpetuates the ties of consanguinity; a pledge of union that will remain secure, when clashing interests and discordant passions might otherwise threaten its dissolution.

In every old State there will be a kind of floating population, depressed by misfortune, without a home, and without employment. Many of these seek a subsistence in the Army and Navy, and many become vagabonds in a land of freedom and plenty. For this crying evil the measure before us provides a happy remedy. If you prefer for your posterity the life of the independent farmer to that of the fugitive and the vagabond, or to that of the private soldier or the sailor, adopt this measure, and you place the fortune of industry within his reach.

It has been objected that a reduction of the price will encourage speculation; that capitalists will monopolize immense domains, to the exclusion of the industrious poor. This objection has been so ably considered, and so conclusively answered by the Senator from Illinois, (Mr. KANE,) that I need not dwell upon it. His arguments must, I think, have carried conviction to every dispassionate mind where doubts were before entertained. The defeat of speculators in the military bounty lands to soldiers of the last war, will admonish capitalists to beware of such speculations. Even if a wealthy speculator should venture to purchase many thousands of acres, he could not hold them up at an advanced price, because purchasers could procure what they wanted of the public, upon terms as favorable as his original purchase; and before he could turn them to any considerable account, the interest of the purchase-money, and the annual taxes, would double their original cost; and when no entailments exist, when no primogeniture rights are recognized by our laws, they would be so subdivided by descent among his heirs, before any considerable appreciation of their value would give him an undue ascendancy, that no possible injury could arise.

The principal objection, and I presume the only weighty objection in the minds of the gentlemen to the measure, is that of its bearing upon the finances of the country. On this point, the estimate set upon our public lands is proven, by actual demonstration, to be entirely fallacious. The statements of the Senator from Missouri, (Mr. BENTON,) who has given such a lucid and unanswerable exposition of this subject, are calculated to remove this delusion. What, I would ask, have the sales of those lands done for our public coffers? They were

set apart for the payment of the public debt, and their whole net proceeds have not paid one-tenth part of the interest of the national debt, from the commencement of their sales to the present day. The gross amount of receipts into the Treasury, for sales of public lands, within forty years, is about 85,000,000 of dollars, and the expenses of surveys, sales, and contingencies of various kinds, have exceeded 80,000,000 dollars, so that the whole net proceeds are less than five millions, not far exceeding 100,000 dollars a year. If the expenses of the two Houses of Congress should be taken into the account, for the time occupied in legislating upon these lands, the printing of documents and volumes of books upon the subject, with many incidental items, not set down to this head, it is doubtful whether they have yielded one cent of clear revenue to the Government. Where, then, can be the utility or the policy of pursuing the old systems in relation to them, when by a different policy they may be made a source of happiness to thousands, and of immense benefit to the whole nation?

A prominent feature in this bill, which ought, in my humble opinion, to recommend it to universal support, is the provision which it proposed to make in favor of the actual settler. If a person can receive land at a reduction of twenty-five cents per acre, on condition of becoming a permanent settler upon it, he will always purchase of the Government in preference to a speculator, because it will be his interest to do so. If, after all these lands have passed the order of inspection and selection, for a limited number of years, the actual settler can procure a sufficiency for a home, and a support to himself and family, at five cents an acre, as the bill proposes, the advantages will be incalculable. The country will be enriched by the industry of a class whose misfortunes will otherwise render them a burthen rather than a blessing to the country. The refuse lands, which will otherwise lie waste, only to increase the distance betwixt improvements, and so render more inconvenient all useful business, will be rendered fruitful by cultivation. The settlers will escape many temptations to vice and dissipation. They will form a bulwark of defence to the nation. Their patriotism, and the republican simplicity of their manners, will be a protection to our liberties. They and their families will be virtuous and happy. Manufacturing towns and villages will grow up spontaneously among them, equal at least to the wants of their own settlements, and requiring no other protection than what the produce of these refuse lands will be certain to afford.

FRIDAY, April 4.

*Payment of Interest to States.*

On motion of Mr. CHAMBERS, the bill making further provision for the payment of inter-

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*Payment of Interest to States.*

[SENATE.]

est on moneys expended during the late war, for the public defence, by the States of New York, Pennsylvania, Delaware, Maryland, and Virginia, was taken up.

Mr. CHAMBERS moved to amend the amendment reported by the Judiciary Committee, so as to make the payments heretofore made, applicable in the first case to the extinguishment of interest. He gave a history of the claims which the States had preferred, and contended that the law to which this bill is a supplement, was intended to effect the same object which would be attained by adopting this amendment. The United States, by reimbursing the money, had adopted the principle that the debt was properly created, and by the act of Congress directing interest to be paid, had avowed the principle that the States ought not to sustain a loss by providing those means of defence which the safety of their lives and their property required, and which the United States ought to have furnished; but which the total want of means made it impossible for her to furnish. The only just principle which applied to the case, was to indemnify the States from loss by the operation. The erroneous construction put upon the law of Congress by the Third Auditor, had defeated entirely this object. In Maryland, the amount loaned to the United States was borrowed by the State, and before the reimbursement by the United States, the State had paid off that loan by a transfer of United States six per cent. stock. In some of the other States the amount loaned to the United States had been derived from the sales of stock owned by the State, and bearing an interest. In these cases the States lost the interest to the same extent as if they had borrowed the money at the given rate of interest, and had paid that interest regularly. In Pennsylvania, the State had funds in the Treasury, and by advancing it to the United States, was compelled afterwards to borrow, on interest, to raise money to supply the place of it, thus experiencing the same loss in the result. The Auditor, however, felt himself bound by the letter of the act of Congress, and had not allowed interest in any case, except where the States had paid interest on the specific fund, which furnished the means of advancing to the United States, and only so long as payments were made to discharge that interest. In the case of Maryland, for illustration, (and the principle is the same in regard to the other States,) interest ceased to be allowed to her so soon as she disposed of her United States stock, and paid off the loan, although the very act of disposing of that stock caused to her the loss of the dividends on it, equal and rather more than equal, to the interest she claimed. Yet, the money lost being dividends, and not interest paid out of her Treasury, the Auditor did not feel authorized to pay interest beyond that period. The amendment of the committee fully provides for this mischief, and properly enacts, that, where loans or advances have

been made, interest shall be paid from the time of the advance to the time of payment.

The amendment of Mr. C. was decided in the affirmative—16 to 11.

Mr. TYLER moved an amendment, that the rate of interest should be the same as that paid by the States for money raised for the benefit of the United States; which was explained by Mr. T., who stated that, when Virginia was called on to raise money to carry on the war, her treasury was empty, and she resorted to loans; at that time the funds could not be obtained lower than 7 or 8 per cent., which was paid. He could not doubt for a moment that the United States would see the justice of paying the rate of interest given by the State for this money, which was expended in no prodigal spirit, but with a patriotic desire of aiding the great cause in which the country was then engaged.

Mr. WEBSTER said he had no objection to the amendment, with a limitation, so as to confine the amount of interest, over the legal rate, to the period during which it was paid. After the exigency was over, the rate of interest would be the legal rate. He, therefore, wished the amendment might be modified, so as to fix the limitation to the time during which the extra interest was paid.

Mr. TYLER agreed to the suggestion, and modified his amendment accordingly.

Mr. CHANDLER thought there ought to be but one rate of interest in all these payments. There never was, he believed, an instance, in which the United States had paid more than legal interest. The moneys paid by the States had been sometimes paid advantageously, as they had applied their depreciated bank notes to the public service.

Mr. WEBSTER observed that legal interest was different in different States. In some it was eight, in others seven, and in others six per cent. The principle on which this bill was founded was that, when the United States applies to the States to advance money, the expense to which those States are subjected, by complying with the requisitions of the General Government, ought to be refunded.

Mr. TYLER's motion to amend was agreed to.

Mr. HAYNE observed that a new principle seemed about to be adopted, and he thought it ought to be applied uniformly to all the States. He should, therefore, move to insert South Carolina after Virginia, so as to extend this provision of interest to that State, as well as to others.

Mr. COBB said that the principle on which the Government had hitherto refused to pay interest on advances of money was this: that, although a balance was due the claimant, yet the time that intervened between the existence of the debt and its being presented for payment, and on which interest would be demanded, was caused by the delay of the claimant, and not from any fault on the part of the Government. But, said Mr. C., it is well to in-

quire how this money was expended on which these States ask interest. Why, so it is: Virginia took the money to carry on the war. She did not borrow the money to give to the United States. But it was expended by her own officers; and until their accounts were presented at the Department, the Government could not know what amount was due to Virginia. So it was with South Carolina. Until the State officers presented their accounts, and proved their claims, the Government could not adjust them; and, as this delay was no fault of the United States, they did not consider themselves bound to pay interest during this delay of bringing in the accounts. He believed it was the same with Maryland and the other States provided for by the bill. The United States has always been willing to pay the demands as soon as presented with sufficient vouchers. But the Senate was now about to establish a novel principle, which he warned them to avoid, as it would establish the principle of paying interest on all claims that might be presented, and which might have remained unliquidated for a series of years, which he thought was peculiarly dangerous.

Mr. KNIGHT moved to amend the bill by inserting an additional section, providing for the payment of interest on moneys advanced by Rhode Island; on which some conversation occurred between Messrs. BARNARD, KNIGHT, COBB, and CHAMBERS.

Mr. BARNARD rose to say one word to the gentleman from Georgia. The time, as he thought, when interest ought to commence on these loans, was when the sums were disbursed from the State treasuries. It made no difference whether the money was disbursed by the United States officers, or the State officers, whether for the pay of the regular troops or militia, or both. If it was the duty of the General Government to provide these funds, then undoubtedly the General Government was bound to pay the sums with interest from the time they were issued from the hands of the States. The payment of the principal was a tacit acknowledgment that the claim for interest was just and valid. The gentleman from Ohio has said that it is against the principle established by the Government. But, said Mr. B., this case seems an exception. The States applied to the Department for the interest on their advances, and they were refused; but on application to Congress it was allowed.

Mr. COBB said: The conduct of the Government had uniformly been, when a State came forward with a claim, to pay the principal on the account being proved. This was the established course, and would be found to have been practised invariably in the early period of the Government. In the case of Rhode Island, that had been the course. The principal was paid, but no interest. It was so in the case of South Carolina, and so in the case of Virginia; the moment they brought forward proof that these sums were expended for the

general defence, they were paid. And now the question is, whether the Government is bound to pay interest on claims not yet proved.

Mr. HAYNE said, that the gentleman from Georgia had taken up the wrong theory; and, of course, the conclusions which he draws from his premises is erroneous. He had presumed that the Government was always ready to discharge the principal. This, however, was not to be presumed; because, if the General Government was ready to pay it, why did they call on the States to raise the money? The States were called on to put their hands into their treasury and disburse this money, because the United States had not the funds required to carry on the war. History recorded the fact that the treasury was exhausted, and could not raise the funds. Mr. H. observed that he had a few days since read a letter to the Senate, of the Secretary of War to General Pinckney, in which the declaration was made, that the treasury was exhausted; and that the General must take every means in his power to raise funds. But, supposing the accounts had all been paid at the time those of Rhode Island were adjusted, what, he would ask, would have become of the interest due from the time the advances were made? But the true reason why they were not then settled was, that the Government was not able to meet them. They were able to pay the small sum due to Rhode Island, but not to pay off the whole mass at once. The gentleman from Georgia had said that the States had delayed to send in their accounts. This was not the reason why they were not paid immediately after the war. It was the accumulation of business on the hands of the Department, which it took years to settle. If, then, the States were delayed in the settlement by the General Government, there was no reason why interest should not be paid on their claims during that period of delay. There was one error running through the whole opposition to the bill. It was, that these sums of money were expended by the States for their own immediate defence. But it was not so; for the money advanced by South Carolina went to the north and west, and assisted to defend those frontiers. The advance was made for the benefit of the whole community; and the gentleman from Massachusetts (Mr. WHESTEE) had said, with great truth, that all sacrifices for the general good ought to be paid out of the common fund of the country. Mr. H. said he conceived the principle to be well established, that, wherever individuals or States advanced money for the use of the General Government, it was to be paid with interest from the public treasury. It had universally been done in advances made by individuals. He admitted that it was not done where advances were made by a public officer; because it was considered that there would often be a large amount of the funds of the Government in his hands, which would balance any advances made by him. He had a few days since

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*Duty on Salt.*

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been induced to examine the acts as far back as the year 1770, and found that, in every instance, where individuals advanced money for the use of Government, interest had been paid. He would instance one case, which was a sample of many others. It was that of Christopher Green, of Rhode Island, who, in the year 1770, had advanced a sum of money for the release of certain prisoners. Immediately after the war, the sum paid by him was refunded; and in 1792, a bill to pay interest on the amount passed Congress. The justice of the principle he believed no one would doubt; and the practice had been so universal, that he thought it hardly necessary to go farther in support of the bill.

The amendment offered by Mr. KNIGHT having been modified, on motion of Mr. WOODBURY, so as to include New Hampshire, was agreed to.

Mr. MACON said that the reason why the accounts were not settled earlier, was that the money was not paid to the officers of the United States, but to their own officers, which made it necessary to send agents to the Department to explain their vouchers. Now, because this money was expended by the State officers, a bill paying them interest must be passed; and it must be shingled up by adding all the States one by one. We are growing wiser every day. We are always going back, and finding that all that was done in former times was wrong. All former principles were erroneous. Can a Government get along in this way, continually overturning all that was done before? A decision of a case was never sufficient. Claimants came here, and got all they could; and then they came again, and got the rest. No Government could get along so. We cannot have officers enough to settle the accounts brought against us, if they must be settled over and over again. No Secretary of the Treasury can make his calculations, if we go on in this way; for we cannot come at any near estimate of the money that Congress will vote away, and every year unsettle what was done the year before.

The amendment, as amended, having been agreed to, the bill was reported to the Senate.

The question being on engrossing the bill, it was decided in the affirmative, by yeas and nays, as follows:

YEAS.—Messrs. Barnard, Barton, Bell, Benton, Chambers, Hayne, Johnson of Kentucky, Johnston of Louisiana, Knight, Marks, Ridgely, Robbins, Sanford, Silsbee, Smith of Maryland, Tazewell, Tyler, Webster, White, Woodbury—20.

NAYS.—Messrs. Bateman, Branch, Chandler, Chase, Cobb, Dickerson, Ellis, Foot, Hendricks, King, Macon, Noble, Parris, Rowan, Ruggles, Seymour, Williams—17.

MONDAY, April 7.

*Duty on Salt.*

Mr. HARRISON moved to take up the bill to

reduce the duty on imported salt, which was agreed to.

Mr. VAN BUREN moved the indefinite postponement of the bill.

Mr. COBB said that the course taken by the Senator from New York appeared to him very extraordinary. This bill was brought forward at an early period of the session, and had been repeatedly postponed on account of the very gentleman from New York. And now, at a late day, when it is brought up, that gentlemen moves its indefinite postponement. It was curious that this was the only bill that proposed to repeal a tax which was paid chiefly by the people of the Southern States. He could not but express his surprise at the course taken by the gentleman, nor did he think the reason given for it at all sufficient. If this bill was to be postponed to give fair weather to the tariff bill, when that bill should come into the Senate, he thought the proposition partial and unjust.

Mr. SMITH, of Maryland, said he rose merely to say that he hoped this bill might not be discussed. He believed that every Senator had made up his mind upon the subject. If, however, those opposed to the bill saw fit to express themselves, he hoped the friends of the bill would not follow their example, as the opinions of the friends of the measure were thoroughly fixed.

Mr. HARRISON observed, that he thought it would not be denied that a tax on a necessary of life, as was that to which the bill referred, which took from the poor man as much as from the rich man; which made the same demand upon the tenant of the humble cottage, as upon the possessor of the splendid chateau, was in utter hostility to the principles of our Government. Which of these principles, said Mr. H., is more sacred, which more necessary for the legislator constantly to keep in view, than that which directs that, in the assessment of the public burthens, the demand should be proportioned to the ability to pay? If this principle is not regarded; if the taxes are levied upon the person, and not upon the property of the citizen; or, which is the same thing, upon the necessities of life, of which the poor man consumes as much as the rich one, what becomes of that boasted equality which is the basis of our Government? It is in vain that you secure to your citizens their other rights, that their persons and their property are inviolate, that the elective franchise is unrestricted, and the offices of Government open to all, if this principle is adopted, and acted upon to any extent. If you tax the food of the laboring man, all the liberty that will be left to him, will be that of choosing his master; for, go where he may, he will still be the slave of his employer.

But, Mr. President, said Mr. H., this duty upon salt is opposed to another important principle. It is a tax, and a heavy tax, on agriculture. Upon that interest, which is more important than any other, and on which, in-



deed, all the others depend. Salt is largely used on every farm, but to the grazier it is essentially necessary. No one can prosecute this branch of agricultural industry, in the Western country at least, with tolerable success, unless he can procure the article at such a reasonable price as to enable him to use it freely. And the condition of his stock will always be in proportion to the quantity used. Its beneficial effects are felt in more than one way. It saves food; for, the animal which is well supplied with this article will fatten upon food of a coarser quality, and which, without it, would scarcely sustain him. It serves instead of shelter. In the cold rains of winter, the Western grazier gives a double portion of salt to his unhoused stock, (and few are supplied with covers;) its cordial and invigorating effects upon the stomach of the animal, enabling it to resist the inclemency of the weather. It saves labor. With a good supply of salt one or two men can keep together a herd of cattle or a flock of sheep, grazing in the wilderness, with more ease than ten can without it. So strong is the force of habit in the brute creation, as well as in their lordly master, that it will bring together the widely scattered flock and herd, precisely at the time and place where they had been accustomed to receive their ration of this necessary condiment.

It may be asked, sir, how a tax of this description could ever have been laid, or submitted to, in a Government like ours? It was commenced, said Mr. H., as soon as the present constitution went into operation, when our finances were in a most desperate condition. Being an indirect tax, the people have felt its weight without exactly understanding it. As soon, however, as the affairs of our treasury were in such a condition as to permit it to be done, the duty was entirely removed. This happened in the year 1807. It was again imposed at the commencement of the late war, but the representatives of the agricultural interest were with great difficulty prevailed upon to adopt it, and only from the understanding that it was to be considered as a war duty, to be taken off as soon as peace was restored. A very distinguished citizen of South Carolina, Mr. Cheves, and who was at that time a leading member of Congress, has authorized me to say that such was the fact. Under various pretences, the duty has continued until this time.

Mr. MACON said, that the Government was not the same now, as when he and the gentleman from Maryland (Mr. SMITH) first came into Congress. He thanked the gentleman from Ohio for bringing this bill forward; and would appeal to the candor of the gentleman from New York, whether the State he (Mr. MACON) represented was in a condition to bear the burthen of this tax. The people did not complain, and probably sent fewer petitions to Congress than any other State; but they felt

it severely. There were certain things which ought not to be taxed in any country—things that entered into the plain food of the poor and laboring classes, and which were necessary to sustain life. He had generally found, that, when the Senate did not want to pass a bill, it was argued that it would not be taken up in the other House. But that was no objection on this floor. The Senate was not to decide for the other House. When the bill came before them they should decide for themselves. This duty seemed to him in the light of stock which Congress had got out of the people, and which they were determined to hold on upon. If this bill were to pass in the Senate, and be rejected in the other House, it would make no difference in his opinion. I do not believe that the arguments of Mr. Anderson's book, quoted last year by the gentleman from New Hampshire, can be controverted. Neither do I consider that a more perfect exposition of the odiousness of this tax can be made, than was last year made by that gentleman, (Mr. WOODBURY.) This article goes into every meal we eat. Not a mouthful goes down the poor man's throat which is not seasoned with it. And why should not the duty be reduced? Because those who are engaged in the manufacture would get a less price. But, is even our food to be taxed, because a few individuals own salt springs? He deprecated the principle which was fast gaining ground, of legislating partially in favor of one class of the community, which would have the effect, if not opposed, of establishing an oligarchy among us. What, said Mr. M., must unite the country? A fellow-feeling for all parts of it. If a single citizen's rights were touched, every man ought to feel as if the case were his own. But it could not be held that, if they got a road made for the benefit of one part of the country, and neglected another, there could be a fellow-feeling between them. Sir, said Mr. M., I will appeal to the gentleman from New York (Mr. MACON here addressed himself to Mr. VAN BUREN) if he did not find every thing in ruins in the State I represent, when he passed through it—and whether the tariff has not destroyed us? I am glad the gentleman went there; and I hope he will go again. In the war, North Carolina was very much oppressed by the loss of commerce, and other injuries. And now she is equally burthened with this protective system. The principle of protection had been carried too far. When I was young, this word, protection, had a bad sound to me; and it is quite as bad now. It seems to mean that, where there is any place highly favored by nature, more must be done for it than for any other. This duty has been truly called a "war-tax." Nobody knows better that it is so, Mr. President, than you do. And I told you, on a former occasion, that I would never vote for a bill that had salt in it. Is this Government partial? What would you say of a parent that would feed one-half of his

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*Graduation of the Price of the Public Lands.*

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children, and let the other half starve? Salt sells now, in the market towns, higher than it formerly did in the interior of the country. It has been sold for 12½ cents, and the duty is now 20 cents per bushel; and the measure in those days was good—not your 56 lbs. It is a heavy article, and the transportation of it inland makes it cost, in many places, over 50 cents per bushel. The duty of 20 cents was first put on at the commencement of the war. Part of it was afterwards taken off. But it is now 20 cents. Those who voted for it then, said they would vote against it when the war was over. It is said that it is an article which cannot be smuggled—and is that a reason why it should be taxed? Is it good reasoning to say that, because laces and silks can be smuggled, they must not be taxed as high as an article of necessity to the poor? They don't enter into the consumption of the poor man. Sir, said Mr. M., I have always considered this system of high duties as the strife of private interest against the public good. It had been said to the South, a few years ago, "only pass our tariff bill and your cotton will rise." But it has not. I don't know that they promised us a rise on tobacco. But we were told that it would increase the consumption of cotton. How does it turn out? With every kind of protection, instead of our manufacturers underselling the foreigners, the foreigners undersell us. They go away with good prices. He saw, by a Boston paper, not long since, that the prices had not fallen. The promise was, however, that every thing should fall; and it reminds me of the maxim that, "while the grass grows the steed starves." He thought he should die before there would be any fall. Sir, I think, said Mr. M., that we are so frightened about foreign products, that we would be almost willing to starve ourselves, and go naked, rather than eat and wear them. The full intention of this system seems to be, that we are to have nothing but what is made in this country. Sir, if the Southern States had looked as sharp after their own affairs as the North have, where would the great export trade have come from? In nothing ought equality to be more strictly observed, than in taxation. But everybody knows, that if you collect in one part of the country, and expend in another, you do not deal equally. It was an old-fashioned opinion, with him, that the maxim which directed that everybody should be let alone, and do that which they could do best, contained a sound doctrine. Free trade and sailor's rights, was formerly the motto of our system; but now, every point must be settled by law. He had hoped that this bill would pass; but his hopes were now very faint. Whether it did or did not, he should always be of opinion that justice required its passage.

The bill was laid on the table.

WEDNESDAY, April 9.

*Graduation of the Price of the Public Lands.*

The bill to graduate the price of public lands was then taken up, the substitute offered by Mr. BAXTON being under consideration.

Mr. BAXTON stated the objects of his bill to be, first, to benefit the public treasury, by accelerating the sales of the public lands; and, next, to benefit the new States by procuring for them, within some reasonable time, the use of all the soil within their limits, for the purposes of settlement, taxation, and general jurisdiction. The sales, he said, were too slow at present to answer these purposes. They scarcely advanced at all, and certainly made no sensible impression on the mass of the public lands. The Federal Government held 260 millions of acres in the States and Territories, to which the Indian title had been extinguished; about 50 millions more to which it had not been extinguished; about 90 millions on the Upper Mississippi, between the State of Illinois and Lake Superior, and about 700 millions west of the Mississippi, and east of the Rocky Mountains; making 1,100 millions of acres of undisputed public domain, exclusive of our territorial claims and possessions in the valley of the Columbia River and on the coast of the Pacific Ocean. Of this immense mass, not more than 20 millions of acres have been sold by the Federal Government in a period of 40 years; and only 32 millions of purchase money paid into the Treasury; from which is to be deducted \$2,165,000 for the expense of surveying; \$1,155,000 for the expenses of selling; \$35,000 per annum for the expenses of the General Land Office; \$3,892,000 for the expense of holding Indian treaties for the extinction of Indian titles; and annuities, chiefly permanent, amounting at present to about \$240,000 per annum. The gain to the Treasury would be but little from such sales; and as to the new States and Territories, a simple question in the Rule of Three would show that it would take 520 years to extinguish the Federal title within their limits, at the rate the sales had been going on for the forty years past, and about 2,000 years more to complete the sales to the head of the Mississippi, and to the foot of the Rocky Mountains. Having stated these results, Mr. B. suggested to the Senate that 520 years was rather too long a period for the new States to remain without the privilege of taxing and cultivating the lands within their limits; rather too long for the public debt to remain unpaid, and for the people of the old States to continue to raise money from other sources to pay its annual interest.

Mr. B. then took up the bill, and stated the nature of its several provisions. He said that it consisted of four distinct clauses, comprised in five sections; and that each clause presented a separate question for the consideration and decision of the Senate. The first clause applied the graduation principle to the lands

which had been heretofore offered at public sale, and remained unsold at the minimum price of \$1 25 per acre; the second clause applied the same principle to the lands hereafter to come into market; the third clause proposed donations of small tracts to actual settlers; and the fourth made provision for the cession of the refuse lands to the States in which they lie, for the promotion of the great cause of education and internal improvement.

Having stated the nature of the different clauses in his bill, Mr. B. went on to examine these clauses in the order in which they stood, and to show their practical effect upon the public lands and the public Treasury. For this purpose he took up the first clause, which applied the graduation principle to the lands now in market, and said that the proper decision of it required a knowledge, first, of the quantity, and, secondly, of the quality, of the lands, to which it would apply. As the author of the bill, he felt it to be his duty to give to the Senate full and correct information upon those points, and he should do so with all the brevity and precision which the magnitude of the subject would admit of. He had been collecting this information for many years, and without pretending to the minute accuracy of a clerk stating an account, he would confine himself to round numbers, and assure the Senate that his statements would be found to be sufficiently correct and particular for all the practical purposes of the statesman and the legislator.

On the first point he would say, that the number of acres on which the first clause of the bill would operate, was about 80 millions, and he verified this statement by showing from printed documents, and manuscript memorandums, taken from the General Land Office, that the quantity of public land surveyed, was 140 millions of acres; the quantity sold was 20 millions; the quantity given away, reserved from sale, or not brought into market, was 40 millions; leaving the aforesaid quantity of 80 millions of acres for the application of the first clause of his bill. So much for the quantity. On the second point, Mr. B. would say, that he had a great deal of personal knowledge of the quality of these lands. They lay in seven States and three Territories; and of each of these, except one territory, that of Michigan, he had a personal knowledge from travelling and visits; and although the soil of the whole of them might be characterized as rich, yet, as the fattest animal must have bones and offal, and inferior parts, so the richest country must have its rocks and hills, and sterile spots. This was essentially true of the States and Territories, which contained the public lands; and of the relative proportions of good and bad, those to the South possessed much the largest alloy of bad. In every State and Territory these lands had been picked; in the forks of the Ohio and Mississippi, chiefly under the laws of the United States; and in the others, for a long time, under the bountiful dispensa-

tions of foreign sovereigns, before they became subject to the more rigorous system of the Federal Government. The eighty millions unsold was the residuum of the repeated pickings and cullings, by sales and donations, for periods of ten, fifty, and a hundred years, under four different sovereignties, and might be assumed to be at least one-half unfit for cultivation, and worth nothing at all, and the other half alloyed in all assignable proportions with mixtures of bad land, and hardly worth an average of forty or fifty cents per acre.

But the bill meets with several objections; at the head of which stands one of a novel and extraordinary character, not connected with the merits of the question, but growing out of supposed injuries which it is to inflict upon the old States. It is said that the bill will have the effect of drawing off the population of these States, diminishing the weight of their political influence, sinking the value of their lands, and retarding the progress of their manufactures.

These are strange objections, Mr. President, to be urged in a country blessed with a constitution founded on the rights of man. They would come well from feudal lords in the old baronial times of Great Britain, or from the masters of the serfs and vassals of Russia and Poland to the present day; but they grate harshly upon my ear—they harmonize badly with the feelings of my bosom—coming from American statesmen, and intended to restrain the free inhabitants of the old States from bettering their condition by removing to the West. Admitting all the evils apprehended, and it would still be an invalid objection; for the people have a right under our constitution to go where they please; even to expatriate themselves, and go into foreign countries in pursuit of wealth or happiness. It is their own privilege to go or stay, and no rightful power resides in this Government to restrain them. But the evils will be much less than seem to be apprehended, even in the parts of the Union from which the objections chiefly come. Emigration has never depopulated a good country. The chasm made by one person moving away is always filled in such a country by another coming in, and usually a richer one. Political influence is not diminished, but increased, by such emigrations. Of this the two halls of Congress furnish abundant proof. Lands in the old States will certainly not produce less in consequence of such removals. The prolific principle of the soil will still be the same; and if it sells for less, it is also bought for less. The thing balances itself. The buyer gains what the seller loses; and as the seller is to be the emigrant, the advantage remains with the one that remains in the country. In many places, the price of land is as low now in the old States as my bill proposes to make it in the new ones. My friends tell me that land fit for cultivation, and with some improvement upon it, and convenient to all the advantages of old established institutions, can be had now in

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North Carolina for one dollar per acre. In Virginia, I see from the assessment of 1817, when the price of real estate there, as elsewhere, was double what it is now, that a large county, bearing the name of one of her Senators, here present, (Tyler,) and containing as many acres as the Federal Government has ever sold in Missouri, was assessed at 68 cents per acre, improvements and all; that another county, of about the same size, bearing the name of another of her Senators present, (Tazewell,) was assessed at 83 cents per acre; and three others at the respective prices of 24, 23, and 18 cents per acre. Gentlemen will say these are inferior lands. I answer, that the prices in my bill also apply to inferior land, and that so far as price is concerned, there will be no inducement for emigration from old States to new ones. To the south of the Potomac, and in all the slave-holding States, emigration is more beneficial than otherwise. The poor are not needed there. Slaves perform all the menial services, and do the principal part of the labor. In the non slave-holding States, and especially in the manufacturing districts, it is somewhat different. There the poor are wanted for tenants, for day laborers, for domestic servants, and to work in the manufactories. To such States it might be some disadvantage to lose their poor; but it is a loss which they have no moral or lawful right to prevent, by passing laws to restrain their removal. But, Mr. President, I will drop these objections. I do not think it would be justifiable in Senators from old States to vote upon such considerations; and of course it is not becoming in me to presume that an argument is necessary to prevent them from doing so.

I will proceed to the next objection, which is also of a novel and extraordinary character, and seems to have its origin in a benevolent inclination to save the people of the new States from the consequences of their own folly. It goes upon the supposition that the price of all the land held by individuals, will be sunk to the scale of prices fixed in the bill, and that these landholders will be injured in their property to that degree. This is the ostensible nature of the objection; but it may be that it has a different object; that its real design is not charitable, but insidious; and that it is intended to excite these landholders against the bill. In the first point of view, it is, to say the least of it, a very unexpected ebullition of superserviceable benevolence, which the individuals referred to will resist and repudiate. They have no need, and it is no compliment to their understandings to suppose that they have any need for such intrusive guardianship. They know that their lands will produce as good crops after as before the passage of the bill. Many of them will want to purchase lands at the graduated prices. All will know that individuals are now selling second and third rate land for the same prices mentioned in the bill, and every one is conscious that population

gives value to land, and that their own will rise in value in proportion to the settlement and improvement of the country.

The third objection that I shall notice is the one so incontinently repeated, that no one will buy until the lands fall to the lowest price. This, Mr. President, is the same objection which was made to the graduation principle in Tennessee, and which, for several years, retarded the establishment of the system there. When it was established, the objection was discovered to have no foundation. This we learn from the letter of Mr. Mitchell, of the House of Representatives, the author of the system in Tennessee, and the statement of Mr. Smith, the entry taker in one of the districts. These papers have been printed by order of the Senate, laid upon our tables, and are presumed to be read by every member. I will not, therefore, consume the time of the Senate in reading them over, amply as their contents would repay that trouble; but I must take leave to present a second time, the table of sales actually made in the Hiwassee district, a district of only forty miles square, and which proves the utter fallacy and total inapplicability of the objection. The following is the table:

*Amount of land entered in the Entry Office of the Hiwassee District, Tennessee, and amount of cash received from the 2d February, 1824, to the 2d February, 1828.*

Price per acre.	No. of acres.	Cash received.
\$ 1 50	100,000	\$150,000
1 00	53,000	53,000
0 50	90,000	45,000
0 25	80,000	20,000
0 12½	56,000	7,000
0 01	182,000	1,200

\$276,200

Such is the triumphant answer which actual experiment gives to this objection. It was the experiment of one district; but the result was the same in others, for the law was co-extensive in its application with the existence of the State lands. But even without this experimental answer, the objection would have vanished before an argument. Instead of waiting for the lowest price, many would be tempted to give more than the land was worth, either to save a quarter section which was necessary to complete the size and form of their estate, or to supply it with wood, or a stream of water, or a stone quarry, or a sugar orchard, or to keep off a bad neighbor, or to form a settlement for a child, or to keep open an outlet for stock. Such was the natural progress and order of things. He that wanted a piece of land that suited him would cheerfully embrace the first opportunity of taking it up for its real value, lest another should forestall him in the purchase, and make him afterwards pay more than the value. To suppose otherwise, and to assert, as this objection implies, that the people of the new States and Territories would wait with each other for four years, until the price

of all land fell to 25 cents per acre, is to suppose the existence of a universal combination, as impossible in practice as it would be dishonorable in conception. And, after all, it could end in no advantage; for when the lands had fallen to twenty-five cents, the actual settlers would have the preference, and the purchasers would have to stand off until they were satisfied, and then the contest would begin among them; for if two or more applied at the same time, for the same tract, they would have to bid for it, and the price might be run up higher than ever.

The fourth objection to my bill is found in the apprehension of speculators. It is the same old objection, Mr. President, which had its effect for a while in Tennessee, as we learn from Messrs. Smith and Mitchell, and which was completely falsified by the event there, and is ready to be overthrown by argument here. Sir, there can be no such thing as speculation in wild land, in the present state of America. A speculator buys to sell again. His plan is to buy low, and sell high; but in the present condition of America, although he may buy low enough, yet he will soon be forced to sell still lower. What chance is there for wild land to rise? The United States own eleven hundred millions of acres, for which she cannot find purchasers. Mexico and Canada have more than they can give away. The old States and the new States are full of improved land, offered for sale on the most reduced terms. You see ten sellers for one purchaser. The old speculators of 1817-'18, that is to say, the few that have escaped ruin, cannot sell their lands, and are, in fact, the real authors of this objection. The body of the people do not make it. They laugh at it. They know that the laws of entail and primogeniture are abolished, and that the greatest landholder of the present day is only the trustee for other people's children; that his posterity, and the posterity of his present tenants, will exchange positions in two or three generations, perhaps in one generation; and, as for present purchases, they know that they can rise as early, ride as fast, get to the office as soon, and show as good money as any speculator. If it comes to bidding, they can bid as high. If it comes to drawing lots, they stand as good a chance as any man for the long straw. In a word, sir, the people are not afraid of speculators. They know there is no such thing. The objection has been tried upon them, and they laugh at it.

The fifth objection supposes that the Federal Government will not get the value of its lands under my bill. I demand, sir, if it gets the value under the present system? And I answer no! I assert that it gets nothing under the present system; that the thirty-two millions of dollars received in forty-two years, for twenty millions of acres, has been sunk, and double sunk, and five times over sunk, in the payment of interest on the public debt while this sum was collecting, and in the expenses of the

system. I say that it will get quickly under my bill, what it gets at all; that an average of fifty cents per acre, received in four or five years, for the refuse lands, will be worth more to the Treasury than \$1 25, received for the same lands, would be worth thirty or forty years hence. But I dismiss this calculation as one of inferior and subordinate consideration. I look to the cultivation of the lands, more than to their sales. It is the cultivation of the soil which enriches the country; and in this point of view, the country is always a gainer when any portion of the public lands is passed from the Federal Government, which cannot cultivate them, into the hands of private owners who can. As a proof of this, look to the duties which have been received on imports, which imports are founded on the exports which are the products of the soil. You will see them amounting, in thirty-seven years, the period that the present constitution has been in force, to \$575,000,000. Yes, sir, to five hundred and seventy five millions of dollars! And this source of revenue, instead of being exhausted by one year's cultivation like the revenue from the sale of the lands, which can only be received once, is perennial and eternal, renewing itself incessantly, and augmenting, from year to year, with the increase of wealth and of population. Surely it is our policy to increase this bountiful source of revenue, and for that purpose to give a quarter section of land to every inhabitant that will cultivate it.

I cannot dismiss the objections which have been made to the graduation clause of my bill, Mr. President, without noticing one which I heard in Missouri, but which has not been enforced by any speaker on this floor. It was the objection of a tanner who supplied his vats with bark from the public lands, and who, after running over all the worn out objections about speculators, etc., admitted that his true objection was altogether of a different nature: that if the bill passed all the land would be bought up, and he would get no more "public bark" to tan with.

I now proceed, sir, to the donation clause, and admit at once that its primary intention is to better the condition of the poor. I know it to be written in that book which is the epitome of all knowledge, "that the rich ruleth the poor, and the borrower is the servant of the lender." I know, too, that it is said by my venerable and venerated friend from North Carolina, (Mr. Macon,) that Governments are not made for the poor, but against them; that the rich get the benefits and the poor get the burthens of Government; and I know that this severe remark has much foundation in the history of mankind, yet it has not always been so. There have been exceptions, and especially in that great republic, whose name, after the lapse of two thousand years, still shines as a leading star in the firmament of nations. It was not so among the ancient Romans. With that heroic people, although the Government was

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chiefly in the hands of the Patricians, yet the poor had an interest in their country, and that interest was founded in their share of the public lands. When a conquest was made, half the lands were immediately set aside for gratuitous distribution among the poor; the other half was put up to sale for the benefit of the public treasury. Besides this fundamental law, we read in the history of that great people, of occasional donations of land to 20,000 poor families at a time. Many laws were made for the protection of their lands—as the Licinian law, which secured their possessions for several hundred years, and for the enforcement of which the Gracchi lost their lives. It was this interest in the soil of their country, which made the love of that country so strong a passion in the breast of the Roman citizen. It was this which made every Roman glory in the name, and hold himself forever ready to fight and die for his country. And cannot the same cause produce the same effect with us? Congress is charged with providing for “the common defence” of the nation, and she expends millions upon the fortifications of the seacoast, and upon the equipment of ships for the sea. And may she not give land for the defence of the western frontier? Great Britain is now filling Upper Canada with freeholders, at a great expense to the crown. One hundred and fifty acres of choice land to each emigrant—expenses of removal—provisions for one year—seed-grains for the first crop—farming tools, and household utensils, a cow, at the cost of £4 10s. sterling: such are the inducements which England holds out for the settlement of Upper Canada. And why? For the obvious purpose of strengthening herself against us in that quarter: and shall we not strengthen ourselves against her in the opposite quarter? And by the same means? The defence furnished by patriotism and valor, has been called “the cheap defence of nations,” and so in fact it is. A brave people, devoted to their country, is its cheapest, as well as its surest, defence. Of this defence, it is in the power of this Government to avail itself to any degree. It may have as many warriors as it pleases on its frontier. It has hundreds of millions of acres of vacant land in the frontier States and territories, and some hundred thousand citizens without freeholds. Let it give them land; let it give them an interest in their country; a home for their wives and their little ones; and they will never be found without a horse and a rifle; without a willing mind, a courageous heart, and a strong arm, when that country demands their service. Let not the character of these people be judged by the infamous British publications, to which too many of our statesmen look for information of their own country. I have one of these publications, which I have reserved to read in this place, that I might bear witness, on this elevated theatre, before the whole American Senate, to its base and libellous character. It is from the *British Quarterly Review*, No. 61. Listen to it:

“We affirm, without fear of contradiction, or of error, that there is not to be found, on the face of the globe, a race of men so utterly abandoned to vice and to crime, so devoid of all fear of God, and regard towards man, as the outsettlers of Kentucky, Ohio, and other back States.”

Now, Mr. President, I affirm, without fear of error, and with utter contempt for all contradiction, that a baser libel was never published, against any people, than this which I have read. It has been exposed by one who knows its falsity, (Governor Cass, of Michigan, in the *North American Review*;) and I add my voice to his, and from personal knowledge. I have known the people of the frontier States from my boyhood—have travelled among them, and lived among them; and can truly say, that, for all the manly virtues—for integrity, fair dealing, courage, generosity, and hospitality, they are proverbial and unrivalled. The benighted stranger never knocks at their gate in vain: the traveller never quits their house hungry: locks and bars are not necessary for the security of cribs and barns: the mail needs no guard: the solitary unarmed traveller, in a journey of a thousand miles, enjoys a safety by day and by night, which he would look for in vain in the streets of that capital of Great Britain, from which issued the infamous libel which I have read to you. It is the people of these frontier States to whom we are chiefly indebted for the glories of the late war. It is to them we are chiefly to look in future wars. They are with us “the cheap defence of the nation.” And shall they not have an inheritance in the land of their fathers? Shall they not have a home, as well as a grave, in the land which they defend? Shall we part with no ground but for gold and silver? Shall we consider money more valuable than patriotism? Shall we act upon the principle which I have heard asserted on this floor, that the man who cannot pay \$100 for eighty acres of land is not worth having for a citizen? Sir, I know better. I know that an immense proportion of the inhabitants of new countries never see the day when they are masters of 100 silver dollars, to be paid down for a piece of land. Early marriages, the cares of family, current expenses for indispensable objects, accidents, misfortunes, and losses, prevent the accumulation of such a sum—small as it may seem to those who are in the habit of handling money, but great, in fact, to him who gets nothing but by the labor of his hands, and whose first earnings go to the daily support of his wife and his children. Poverty is not always the effect of vice or laziness. Many are born poor, and remain so; many are born rich, and become poor through misfortune; and, to all, the change of condition from tenant to freeholder, is the most difficult part of their lives. Let the Federal Government make that change for them. It can do it for hundreds of thousands, and be none the weaker or poorer, but richer and stronger on account of it. Great and meritorious are the services of the poor. They are

soldiers in the time of war, and cultivators both in war and peace. Their daily labor is the perennial source of food to man and beast. Daily do they moisten the earth with the sweat of their brow. Shall that sweat continue to fall upon ground which is not their own? Shall they remain without land under a Government abounding with land? Shall they be compelled to choose between the hard alternatives of being trespassers or tenants, all their lives? Shall they see forever this Federal Government, after constituting itself sole purchaser of land from Indians, resolve itself into the hard character of speculator and monopolizer, and make "merchandise" out of God's first and greatest gift to man?

The cession clause, Mr. President, to which I now proceed, is the fourth and last clause in the bill. Its nature has been explained. The other clauses being adopted, the adoption of this one would seem a matter of course. It could no longer be an object to keep up offices in the old districts, to sell the miserable refuse which would remain unsold for a year, after having been offered at twenty-five cents per acre. The expense would not justify it. The only question would be between giving them up to the States for beneficial purposes, or suffering them to lie idle for hundreds of years, under the barren sceptre of the Federal Government. That, with me, would be no question at all. The States, with the advantage of local knowledge, and near superintendence, could make them available in promoting education and improving the country: in the hands of the Federal Government, they would be a harbor for wild beasts, and nuisances to the country for hundreds of years. I dwell particularly, Mr. President, on this idea. These refuse lands are the sources of disease and death. I have in my hand the statement of an officer whose habitual correctness is above all praise—a gentleman who hides superior merit in a subordinate station—one who takes pains to conceal more science than any other gentleman of my acquaintance can show—I speak of Col. McRee, Surveyor General in Missouri, whose report upon the inundated lands of Missouri and Illinois was made under your instructions, and printed by your order—I have, I say, his statement in my hand, which shows 1,096 ponds, lakes, and marshes in these two States, on an area of four millions of acres, or the one-twentieth part of their surface. They cover several hundred thousand acres of land. The most of them belong to the Federal Government. They are nuisances to the country, and nuisances which the local authorities have not the means to abate. They are the source of sickness and death to the neighboring inhabitants; even to those who have bought land from the owner of the nuisance. Many such, after years of contention with noxious and pestilential air, spending their money, and losing many members of their family in the vain conflict, have been compelled to move away, abandoning their possessions with-

out rent or sale. Sir, I consider it as plain language, not amounting to metaphorical, to call these 1,096 ponds, lakes, swamps, and marshes, so many Federal Garrisons, manned by innumerable and invisible agents of destruction, in the shape of various diseases, for the extermination of the inhabitants. The American Bottom is the chief seat of these 1,096 garrisons, and melancholy is the havoc which they have made upon it. Who has not heard or read of this incomparable and unrivalled bottom, called by pre-eminence, American? And how faint and inadequate is the conception which any description can give to those who have not seen it! Figure to yourself, Mr. President, an alluvion bottom, ninety miles long, and averaging five miles wide, washed on one side by the Mississippi, fortified on the other by a lofty rampart of limestone rock; divided and subdivided in its whole extent into woodland and prairie; the wood filled with vines and wild fruit; the prairies covered with grass and flowers; the soil rich, like the Delta of the Nile, and too loose, too light, to hold the streams of water which gush from the rampart of rock, or fall from the high country above, and which are swallowed up in their vain attempt to reach the river; situated under the temperate latitude of 87 and 88, opposite to the flourishing market town of St. Louis, and within four days' sail of New Orleans: figure to yourself these objects, and you then have an outline of the American Bottom, which your own rich imagination may fill up, in its happier days, with fields almost black with dark green corn; other fields yellow with ripening wheat, barley, rye, and oats, reflecting the rays of a brilliant sun from their level golden uniform, and waving surface; orchards loaded with young fruit; vines with grapes; vast herds of cattle wading up to their sides in the tall prairie grass; and all this in an atmosphere fragrant with the fresh perfume of innumerable flowers and blossoms. This magnificent bottom was the first abode of the French in the valley of the Mississippi. Its settlement, by the followers of La Salle, about the year 1680, was coeval with the settlement of Philadelphia. Before the peace of 1763, which transferred the Canadas and Illinois to the British Crown, it was the seat of a numerous population, which supplied New Orleans with provisions, and sent three companies of militia to assist in the destruction of Braddock, at Fort Duquesne. Kaskaskia was then a rich and flourishing town; Cahokia, Prairie de Roobar, and Prairie de Pont, were gay and smiling villages; Fort Chartres, with its numerous and brilliant garrison, gave security to the inhabitants, and imparted life and animation to their innocent joys. But, since then, how changed! The transfer of the Illinois to Great Britain, gave the first blow to its prosperity. Fort Chartres lost its numerous garrison. The Jesuits, who had a college at Kaskaskia, led many of their flock to the Spanish side of the river, and founded St. Louis and Ste. Genevieve. The

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expedition of General Clark, in '78, scared off others; and, to crown all these causes of emigration, came the ordinance of 1787, for the government of the Northwest Territory, and for the exclusion of slavery from it. The French are attached, Mr. President, to their slaves. They call them by kind and gentle appellations, "*mon ami*," "*mon enfant*," "*ma fille*," are not unfrequent terms of address to their "bond men" and their "bond women." The fear of losing this species of property, under the new ordinance, gave the last impulsion to the emigrating spirit, and the greater part of the remaining slaveholders followed their countrymen across the Mississippi, or down it to New Orleans. At the arrival of the Americans, as we were called, upon the acquisition of Louisiana in 1804, the population was found to be three-fourths gone; and at Kaskaskia, Fort Chartres, and the villages, the traveller was astonished at the sight of ruins in the heart of the New World. But the bottom had too many attractions to be overlooked by emigrants. Our people began to settle upon it, and to apply their energies to its cultivation; but they also have been compelled to remove. The pools of water, formed by reflux currents from the river, or by rains from the hills, has taken possession of the low parts, and formed permanent lakes by the deposit of the tenacious clayey sediment which came from the cultivated lands. The population was too weak to drain them, or to fence out the river by levees, at the low places. The State authorities lacked the power or the means to do it. The Federal Government, to whom all these nuisances belonged, like an Irish landlord, living in London, was ignorant of their existence. The very water which forms these lakes and ponds, was supposed by it to be land, and is offered for sale at the minimum price of one dollar twenty-five cents the superficial acre. The consequence is, that the American Bottom is less populous now than it was at the period of the acquisition of Louisiana; less so than it was when I first saw it, twelve years ago, and becoming less populous every year. The stagnant waters encroach upon the people, and the people retire from before them. The Federal Government owns these nuisances, and will neither abate them, nor contribute its proportion among other landholders, to have them abated. They increase in size and number, and are becoming the lords of the bottom: but if the cession clause in my bill should take effect, the clause which I am now pressing on the attention of the Senate, this sad picture may soon be reversed. These nuisances, and their proximate domain, would change owners, and, in the change, they would get a master on the spot to treat them as they deserve. They would soon cease to be garrisons, either State or Federal, metaphorical or real, for the destruction of people's lives. Wise laws would be passed by the State Legislature, founded in local knowledge, adapted to the evil, and executed by persons interested in their success. Ponds, lakes, and swamps would

disappear; their pestilential airs would vanish; health would be restored to the American Bottom; and, with it, an unalloyed enjoyment to the planter and farmer of this terrestrial Paradise. I have confined what I have to say, Mr. President, upon the subject of these nuisances, to the American Bottom alone, not because it is their only seat, but because I wished to strike the imagination, and fix the attention with one eminent example of this evil, which would do for a thousand lesser instances. But they are not limited to that bottom. These nuisances are found in ample number, differing in magnitude, not in nature, upon the margins of all the creeks and rivers in all the States and Territories, from the Gulf coast of Louisiana, Alabama, and Florida, to the Lake shores of Indiana and Michigan. They extend from Detroit to New Orleans. They are the property of the Federal Government, and everywhere they are sources of disease. Will the Federal Government hold on to them forever? Will it continue to wave its barren sceptre over pestilential swamps and marshes, as well as over desert prairies, flinty hills, and sterile ridges?

TUESDAY, April 22.

*Graduation of the Price of the Public Lands.*

On motion of Mr. BENTON, the bill for the graduation of the price of the Public Lands was taken up; and, the question being on engrossing the bill,

Mr. DICKERSON observed that he should consider himself unfaithful to his trust, if he did not to the last, oppose the bill under consideration—which he considered as in a higher degree than any bill heretofore brought before Congress, to wrest from the old States their undoubted rights, to destroy the confidence that ought to subsist between the old and new States—and to sap the foundation of the compact by which they are held together.

The bill applies to eighty millions of acres; if they bring nothing into our Treasury, it will be folly to expect any thing from the residue of our public lands. These lands are the common stock of the United States. Those that have been ceded by certain States, have been ceded expressly as a common stock. Those that have been purchased, have been purchased out of the common fund. Our public lands have cost us more than thirty-three millions of dollars, besides probably an equal sum in protecting and defending them. And are we now about to relinquish the pecuniary advantages which were anticipated from those lands which we have acquired and protected at such immense expense? On the part of the State from which I have the honor to come, I can never assent to this arrangement.

New Jersey has a vested right to a share of those lands, from which she did hope to obtain some remuneration for her heavy losses and expenses in carrying on the Revolutionary war.



New Jersey acquired no crown lands within her boundaries by the Revolution. She never owned any part of her soil, except by purchase—never taxed the lands of the proprietors. But the gentleman from Indiana says there has been no moment when New Jersey could not tax these lands. She has the power to tax these lands, but it cannot be done with strict justice, inasmuch as there was an agreement some eighty or one hundred years ago, upon certain concessions as to the sale of these lands, that they should not be taxed. A sense of justice has prevented any attempt at taxation.

New Jersey has submitted to her condition without murmuring. She has asked but little, and received nothing. I did, by instruction, ask a donation of lands for an asylum of the deaf and dumb, established in that State. The boon was a small one, but it was refused. Since which, I have voted against donations of lands, and shall continue to do so till some equitable principle shall be adopted for the regulation of such donations.

The question being taken on engrossing the bill, it was rejected, by

YEAS.—Messrs. Benton, Berrien, Boulogny, Cobb, Eaton, Ellis, Harrison, Hendricks, Johnson of Kentucky, Johnston of Louisiana, Kane, King, McKinley, Noble, Ridgely, Rowan, Ruggles, Tazewell, Thomas, White, Williams—21.

NAYS.—Messrs. Barnard, Barton, Bateman, Bell, Branch, Chandler, Chase, Dickerson, Foot, Hayne, Knight, McLane, Macon, Marks, Parris, Robbins, Seymour, Silsbee, Smith of Maryland, Smith of South Carolina, Tyler, Van Buren, Webster, Willey, Woodbury—25.

WEDNESDAY, April 23.

#### *Graduation of the Price of the Public Lands.*

Mr. MACON said that he considered that the question was never taken on the first section of the bill to graduate the price of public lands, disconnected from the rest of the bill. He was in favor of the first section, and therefore moved to reconsider the vote on the bill, with the view of striking out all but the first section.

Mr. WEBSTER said he thought a motion to reconsider, for any particular purpose, was rather novel.

The Chair said, that the motion for reconsideration ought to be distinct.

The motion was then laid on the table.

FRIDAY, April 25.

#### *Survivors of the Revolution.*

On motion of Mr. WOODBURY, the bill providing for certain Surviving Officers of the Revolution was taken up.

Mr. SMITH, of South Carolina, said, that when, on a former occasion, the bill had been before the Senate, it had expressed, by three several votes, on different sums proposed, its disapprobation of the form in which the bill

was then presented. He had understood, at that time, that, if the Senate did not grant the claim then advanced, they would retire and not urge their claim again. It was, however, now brought forward, and in a manner which rendered it far more objectionable than formerly. It was an accession to the pension system of the country, and he believed that the amount of money which it would eventually call for, would far exceed any computation that the committee had made. He also objected that some of the officers were men of wealth, and stated that he knew one who was worth \$50,000.

Mr. BERRIEN considered the objections of the gentleman from South Carolina applied rather to the conduct of the friends of the bill, than to the claim itself. Mr. B. did not recollect that any pledge was given that the claim should not be further urged; but he did recollect, that one of the advocates of the bill declared that the officers would not consent to be placed on the pension list. He would repeat what he had said before: that he had arrived at a conviction that these officers had an equitable claim on the Government; and he, therefore, was disposed to acquiesce in any plan, by which they should receive it, in a form not revolting to their feelings. As to the objections of the gentleman from South Carolina, that these officers were men of wealth, he would ask if that was a good reason for not granting the claim? He stated that some of them had large fortunes. I should be happy, said Mr. B., to know that these men who have served their country so faithfully, were in the enjoyment of the blessings of competence. But it was not so general as to have any effect on the large mass of those for whom this bill provided. In reply to the objection that this bill would swell the pension list, he would remark, that, as it was a debt for the payment of which the faith of the Government was pledged, the manner in which it was discharged was not of the least importance. As to the supposition that the amount of pension would exceed the calculations of the committee, Mr. B. stated, that the number of officers was known, and the apprehensions of the gentleman from South Carolina would not be realized.

Mr. WOODBURY said in reply to the objections offered by Mr. SMITH, of South Carolina, that, at a former period a meeting had been called of the surviving officers of the Revolution, at Baltimore, at which a Committee of Correspondence was appointed, to correspond with individuals in every State in the Union. This correspondence had taken place, and from the data obtained, the number of those officers had been found to be about two hundred and thirty-five—this, with the knowledge of the number of officers at the close of the Revolution, afforded satisfactory evidence that the number could not essentially vary from this estimate. There could be no large error in this computation. As to any pledge having been given, that this claim should not be urged again, after its rejection, in the form originally proposed, he knew

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nothing that could be so construed, with the exception of a remark made by the gentleman from New York, (Mr. VAN BUREN.) He had stated, that they would withdraw their memorial if the only grant that could be obtained was the insertion of their names on the pension roll. And, as stated by the gentleman from South Carolina, on the other side of the House, the pride of these claimants revolted at the idea of being placed on the list of pensioners as mere paupers, when they considered that they had a claim on the Government under a promise formerly made by Congress. Under these circumstances a plan had been projected, on a further meeting of the committee—still retaining the ground of the rights of these memorialists, by which they might be spared from the degrading necessity of taking an oath of their poverty—an act which would have wounded their feelings to no useful purpose; and the Senate could not, he thought, refuse this slight token of regard to the honorable pride of these veterans. The present arrangement would require a sum far less than would have been demanded, had these officers been placed on the pension list from the commencement.

Mr. SMITH, of Maryland, observed, that the gentleman from South Carolina, (Mr. SMITH,) seemed to fear that frauds would be committed under this act; and that unworthy objects would reap the benefits of the bill. But this was out of the question, as no individual could be embraced by this measure, who had not been on the commutation roll, and received the commutation. These individuals could easily be ascertained, so that there was no fear of the frauds the gentleman seemed to apprehend.

Mr. SMITH, of South Carolina, said, that he had only supposed that other persons would come in. He did not attribute fraud to any one.

Mr. SMITH, of Maryland, continued. It amounted to the same thing. No one could by possibility come in, but those for whom the provisions of the bill were intended. He thought the objection, that some of these officers were rich, had no application to the bill. There might be one or two instances of the kind; but what had they to do with the aggregate? As far as his knowledge extended, it was not the case. In Maryland he knew that the officers of the continental line needed the pension. In that State the Cincinnati met every year, and at those meetings the death of every member was reported—this was the case in every State where there were Cincinnati. So that the numbers of the survivors could easily be ascertained. Where there were none other means could be used to obtain the information required. There could not, therefore, be any difficulty in ascertaining the individuals entitled to the benefits of the bill. He had stated before, that the computation of those who had been in the army three years at the end of the war, had been correctly made, when the pension list was first agitated in Congress.

There was no difficulty in making out the list—but the computation was destroyed afterwards, by introducing those who had served nine months.

Mr. CHANDLER inquired if those who received the commutation were the only class for whom this bill provided. He should like to know why those who served three years, should be preferred to those who served six years, and retired previous to the close of the war. The former lost by the depreciation of the currency, no more than the latter.

Mr. WOODBURY, in reply, said, that the officers for whom this bill provided, not only lost, in common with all the other officers, the depreciation on their pay, but they also lost the reduction on their half pay. It was so with the soldiers. The bill applied to those only who, having been promised a bounty of eighty dollars, lost not only the depreciation upon their monthly pay, but the depreciation on their bounty.

Mr. VAN BUREN made some remarks, on rising, which the reporter could not hear. He thought there would be no end to the objections which this bill was doomed to meet. It seemed to be argued that there was an impropriety in pressing this claim in its present form. And, on this head, he would say a few words. These officers found their claim upon the commutation of the half pay for life which Congress had promised them. There are other considerations, which it is not now necessary to urge. He then detailed the circumstances under which the memorial of the officers had been brought forward, but in a tone of voice which was not distinctly heard in the gallery. On proposing to the officers the acceptance of a place on the pension list, they said that all who had been driven by dire necessity to that resort, were there already. The present plan did not propose to give what they or their friends considered them entitled to; but, it afforded some relief to their necessities, and was an approach towards the payment of a debt formed under the most imposing circumstances, and to the payment of which, the memorialists were entitled by the highest and strongest considerations.

Mr. MACON said, that, at first, this claim had been put forth on legal grounds, which were maintained by the first lawyers in the Senate. Now, that ground appeared to have been abandoned, and he supposed the claim was founded on a debt of gratitude. Even granting that such a claim existed, and that, at any other time, it would be proper to grant it—this certainly was not the right period for making any such grants. There never was a time when the distresses of the people were greater. In his part of the country, it was greater than at any previous period, even than during the war. Money was never scarcer than now. He knew we could borrow; but we had not it in the Treasury to spare. Mr. M. also urged that there were other classes of people, who

suffered from the ravages of war, and lost all their property. On these grounds he was opposed to this bill.

Mr. CHANDLER expressed himself dissatisfied with the reply which the gentleman from New Hampshire had given to his inquiry. When the officers who had served six years retired, they had lost on their pay. But here was another class, who, after having served a shorter period, and received five years' additional pay, with some depreciation, were to receive full pay for life. He thought it unjust and partial; and it could easily be perceived, that the officers and soldiers, who served six years, would complain. Therefore, while we are about it, why not provide for the whole?

Mr. HARRISON said, that the friends of this bill were assailed on all sides, and in the most contrary manner, by different opponents. Some gentlemen complain that the bill goes too far, while others, like my friend from Maine, reproach us that we do not go far enough. The provisions of this bill are not limited, because we do not think that there are other classes of officers to whom the country owes gratitude, who served a shorter period. But it was the peculiar nature of the claims of these officers which limited the bill to them. It seemed rather unfair that the advocates of this measure should be assailed at once by complaints for doing too much, and for doing too little. The argument so often used by his friend from South Carolina, (Mr. SMITH,) that the Government could not pay the whole amount of the depreciation on the pay of the army, was a sufficient reply to the opposite objection of the gentleman from Maine. It had been well said by the gentleman from Virginia, (Mr. TYLER,) on a former day, that the Exchequer of the world would not supply the funds to defray the losses to which the gentleman from North Carolina has alluded. But, when that gentleman speaks of the losses of other classes, and the sacrifices of property which individuals suffered, would he compare the losses of these men who shed their blood, and risked their lives in the service, to losses of property? Would he compare the blood of an ox to the blood spilt by these devoted patriots? He hoped not. The bill provides for that class of men who suffered most, and who received a pledge which was never fulfilled.

Mr. WOODBURY replied to the questions put by Mr. MACON. There were none of the officers provided for by this bill who had not served three years. He was very frank to confess another fact, which was, that it had been ascertained that the officers who served the shortest period were those who now resided in the Southern States. If the discrimination was made, it would be in favor of those who resided in the northern States. The committee had thought that all those who served to the close of the war ought to be provided for, without making distinctions in favor of those who served longer than others.

Mr. HARRISON called for the yeas and nays on the question of filling the blanks, which was sustained.

Mr. COBB said, that if he understood the object of the present bill, it was to give the full pay of a captain for life, to these officers, and two years' pay as a previous gratuity. I (said Mr. C.) shall vote against it; and I wish to explain why I shall do so. If this is a grant made upon the ground of a debt, there is no reason why it should not be extended to the legal representatives of those who have died, as well as to the survivors. I ask whether the present bill does not deal partially? Whatever may be said by the friends of the measure, I certainly did understand, that, when this question was settled a month since, by three several votes—the friends of the bill signified the determination of these officers not to accept of pensions. The gentleman from New York informed us, that they would not consent to be placed upon the pension list. Well, sir, it is now said, that they are to receive full pay for life—and will they say that this is not accepting of a pension? that this is not an extension of the pension system? They made the declaration that these gentlemen were above accepting a pension. But now we find these high-minded modest officers of the Revolution, discovering that the bill can pass in no other form, not averse to become pensioners. The features of this bill (said Mr. C.) appear to me to be more offensive now than formerly: for, if any thing was to be given, it ought to have been given as a donation. The present plan extends the pension principle too far. And as he had been always against donations, viewing them as he did, as unconstitutional, he hoped the Senate would be inclined to consider this matter thoroughly, before they consented to carry the pension list of the country to such an enormous extent. He had perceived that the bill had been skilfully managed. Its advocates had watched the proper opportunity for calling it up; and had been peculiarly careful that the Senate should be full, when it came on for consideration. They had called it up, and laid it down again, as the Senate had been full or empty; and now it is pressed because all the members happen to be present. Still, he hoped this measure would not be passed upon without deliberation. He thought that this subject had a farther scope than its mere intrinsic merits would indicate. He thought that the Presidential question was, to a great extent, made to depend on this bill. The friends of the administration advocate it, because the President recommended it in his Message—and the members of the opposition are in favor of it, because, should they oppose it, their conduct would be the ground for reproach from their opponents, and would afford an argument against them. This bill was the most extravagant feature of this session, which was by far the most extravagant Senate in which he had ever served. They had given away immense tracts of land—they had given away

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vast sums of money; and they had enlarged all those powers which were considered by many, as dangerous and unconstitutional. In that part of Georgia in which he lived, but little more than *half crops* of cotton had been made in the last year, and he had seen a document from one of the commercial cities of the south, by which it would seem that the exports of cotton, of the crop of 1827, would be from 100,000 to 200,000 bales less than those of the year preceding. Is this the time then for extravagant expenditure? Is this the time for spending money? There was no fear that these applicants would come upon the poor list. They were not in so bad a condition as many thousands of those who fought with them, and performed equally meritorious services; but whose claims were forgotten. He felt bound to oppose this bill as unjust, inexpedient, and a wanton expenditure of the money of the people.

Mr. FOOT merely rose to state the grounds on which he should oppose the filling of the blank as proposed. He was a member of the committee on pensions—and many hard cases had come before them, in which it was proposed to go back in granting pensions—and in one instance only had the committee consented to go back. And he would ask whether the Senate would adopt a principle, which had never been acknowledged, in favor of these officers, which had been refused in many instances where individuals were poor and suffering?

Mr. HARRISON rose to make but a single observation in relation to the remarks of the gentleman from Georgia. If there was a scramble upon the floor of the Senate, as that gentleman intimated—if the majority of the Senate were in favor of the bill, he thought it a fair inference that they acted from a knowledge of the wishes of their constituents; it was a fair conclusion that the majority of the people were in favor of the bill.

Mr. WEBSTER said: It had not been my purpose to take any part in the discussion of this bill. My opinions, in regard to its general object, I hope, are well known, and I had intended to content myself with a steady and persevering vote in its favor. But, when the moment of final decision has come, and the decision is so likely to be nearly equal, I feel it to be a duty to put, not only my own vote, but my own earnest wishes, my fervent entreaties to others, into the doubtful scale.

It must be admitted, sir, that the persons for whose benefit this bill is designed, are, in some respects, peculiarly unfortunate. They are compelled to meet, not only objections to the principle, but, whichever way they turn themselves, embarrassing objections also to details. One friend hesitates at this provision, and another at that; while those who are not friends at all, of course, oppose every thing and propose nothing. When it was contemplated, heretofore, to give the petitioners an outright

sum, in satisfaction of their claim, then the argument was, among other things, that the Treasury could not bear so heavy a draft on its means, at the present moment.

The plan is, accordingly, changed—an annuity is proposed—and then the objection changes also—and it is now said, that this is but granting pension, and that the pension system has already been carried too far. I confess, sir, I felt wounded,—deeply hurt—at the observations of the gentleman from Georgia. So, then, said he, these modest and high-minded gentlemen take a pension at last! How is it possible, that a gentleman of his generosity of character, and general kindness of feeling, can indulge in such a tone of triumphant irony towards a few old, gray-headed, poor, and broken warriors of the Revolution! There is, I know, something repulsive and opprobrious in the name of pension. But, God forbid that I should taunt them with it! With grief, heartfelt grief, do I behold the necessity which leads these veterans to accept the bounty of their country, in a manner not the most agreeable to their feelings. Worn out and decrepid, represented before us, by those, their former brothers in arms, who totter along our lobbies, or stand leaning on their crutches, I, for one, would most gladly support a measure which would consult at once their services, their years, their necessities, and the delicacy of their sentiments. I would gladly give, with promptitude and grace, with gratitude and delicacy, that which merit has earned, and necessity demands.

Sir, what are the objections which are urged against this bill? Let us look at them, and see if they be real; let us weigh them, to know if they be solid. For, sir, we are not acting on a slight matter. Nor is what we do, likely to pass unobserved now, or to be forgotten hereafter. I regard the occasion as one full of interest and full of responsibility. Those individuals, the little remnant of a gallant band, whose days of youth and manhood were spent for their country, in the toils and dangers of the field, are now before us, poor and old, intimating their wants with reluctant delicacy, and asking succor from their country, with decorous solicitude. How we shall treat them, it behooves us well to consider, not only for their sake, but for our own sake also, and for the sake of the honor of the country. Whatever we do, will not be done in a corner. Our constituents will see it—the people will see it—the world will see it.

Let us candidly examine, then, the objections which have been raised to this bill; with a disposition to yield to them, if, from necessity, we must; but to overcome them, if, in fairness, we can.

In the first place, it is said that we ought not to pass this bill, because it will involve us in a charge of unknown extent. We are reminded that, when the general pension law for Revolutionary soldiers passed, an expense was in-

curred, far beyond what had been contemplated; that the estimate of the number of surviving Revolutionary soldiers proved altogether fallacious; and that, for aught we know, the same mistake may be committed now.

Is this objection well founded? Let me say, in the first place, that, if one measure, right in itself, has gone farther than it was intended to be carried, for want of accurate provisions, and adequate guards, this may furnish a very good reason for supplying such guards and provisions, in another measure, but can afford no ground at all for rejecting such other measure altogether, if it be in itself just and necessary. We should avail ourselves of our experience, it seems to me, to correct what has been found amiss; and not draw from it an undistinguishing resolution to do nothing, merely because it has taught us, that, in something which we have already done, we have acted with too little care. In the next place, does the fact bear out this objection? Is there any difficulty in ascertaining the number of the officers who will be benefited by this bill, and estimating the expense, therefore, which it will create? I think there is none. The records in the Department of War and the Treasury furnish such evidence as that there is no danger of material mistake. The diligence of the chairman of the committee has enabled him to lay the facts connected with this part of the case, so fully and minutely before the Senate, that I think no one can feel serious doubt. Indeed, it is admitted by the adversaries of the bill, that this objection does not apply here, with the same force, as in the former pension law. It is admitted that there is a greater facility in this case, than in that, in ascertaining the number and names those who will be entitled to receive that bounty.

This objection, then, is not founded in true principle; and if it were it is not sustained by the facts. I think we ought not to yield to it, unless, which I know is not the sentiment which pervades the Senate, feeling that the measure ought not to pass, we still prefer, not to place our opposition to it on a distinct and visible ground, but to veil it under vague and general objections.

In the second place, it has been objected, that the operation of the bill will be unequal, because all officers of the same rank will receive equal benefit from it, although they entered the army at different times, and were of different ages. Sir, is not this that sort of inequality which must always exist in every general provision? Is it possible that any law can descend into such particulars?

Would there be any reason why it should do so if it could? The bill is intended for those, who, being in the army in October, 1780, then received a solemn promise of half pay for life, on condition that they would continue to serve through the war. The ground of merit is, that, whensoever they had joined the army, being thus solicited by their country to remain

in it, they at once went for the whole; they fastened their fortunes to the standards which they bore, and resolved to continue their military service until it should terminate, either in their country's success or their own death. This is their merit and their ground of claim. How long they had been already in service is immaterial and unimportant. They were then in service; the salvation of their country depended on their continuing in that service. Congress saw this imperative necessity, and earnestly solicited them to remain, and promised the compensation. They saw the necessity also, and they yielded to it.

But, again, it is said, that the present time is not auspicious. The bill, it is urged, should not pass now. The venerable member from North Carolina says, as I understood him, that he would be almost as willing that the bill should pass, at some other session, as be discussed at this. He speaks of the distresses of the country, at the present moment, and of another bill, now in the Senate, having, as he thinks, the effect of laying new taxes upon the people. He is for postponement. But it appears to me, with entire respect for the honorable member, that this is one of the cases least of all fit for postponement.—It is not a measure, that, if omitted this year, may as well be done next. Before next year comes, those who need the relief may be beyond its reach. To postpone, for another year, an annuity to persons already so aged—an annuity, founded on the merits of services which were rendered half a century ago; to postpone, for another whole year, a bill for the relief of deserving men, proposing not aggrandizement but support; not emolument, but bread—is a mode of disposing of it, in which I cannot concur.

But it is argued, in the next place, that the bill ought not to pass, because those who have spoken in its favor have placed it on different grounds. They have not agreed, it is said, whether it is to be regarded as a matter of right, or matter of gratuity, or bounty. Is there weight in this objection? If some think the grant ought to be made, as an exercise of judicious and well-deserved bounty, does it weaken that ground that others think is founded in strict right, and that we cannot refuse it without manifest and palpable injustice? Or is it strange, that those who feel the legal justice of the claim should address to those who do not feel it, considerations of a different character, but fit to have weight, and which they hope may have weight? Nothing is more plain and natural than the course which this application has taken. The applicants themselves have placed it on the ground of equity and law. They advert to the resolve of 1780, to the commutation of 1783, and to the mode of funding the certificates. They stand on their contract. This is perfectly natural. On that basis, they can wield the argument themselves. Of what is required by justice and equity, they may reason, even in their own case. But, when the

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application is placed on different grounds; when personal merit is to be urged, as the foundation of a just and economical bounty; when services are to be mentioned; privations recounted; pains enumerated; and wounds and scars counted; the discussion necessarily devolves to other hands. In all that we have seen from these officers, in the various papers presented by them, it cannot but be obvious to every one, how little is said of personal merit, and how exclusively they confine themselves to what they think their rights under the contract.

I must confess, sir, that principles of equity, which appear to me as plain as the sun, are urged by the memorialists themselves, with great caution and much qualification. They advance their claim of right without extravagance or overstraining; and they submit it to the unimpassioned sense of justice of the Senate.

Mr. Foor observed, that this bill, from the commencement of its discussion at an early period of the session, until the present moment, had been before the Senate, under peculiar circumstances; and, to him, extremely embarrassing; held fast by the chairman of the committee, and strongly fortified against amendments, by motions merely to fill the blanks. The original bill embraced a certain portion of the officers only, to whom half pay for life had been promised; but on their own application, this half pay had been commuted for full pay for five years; and it was contended that the United States were under a legal obligation to make further provision for these officers. Mr. F. said he had voted against filling the blank in the original bill, with every sum which had been proposed; and should have voted against even the smallest sum, for the exclusive benefit of these officers. He never could consent to degrade the soldiers of the Revolutionary army, by elevating the officers; they were not mere mercenary hirelings, like the soldiers of ordinary standing armies. Many of these soldiers were of the best blood of the country—equal to the officers—and fighting side by side for their dearest rights. It was a common cause—and one spirit pervaded the whole. The officer was most fortunate; he had a commission, and could at any time resign and leave the army. And, sir, we all know the origin of the half pay, and the commutation for five years' full pay. The soldier could not resign; he could not compel Congress to increase his pay, by threats to resign and disband the army. These officers were as well paid on their first contract for service as the soldier—which indeed was poor enough. But the soldier was compelled to serve out his enlistment upon the terms of his contract. How is the case with the officer? Was not half pay offered for life, to prevent resignation? And this commuted, at their request, for five years' full pay, amounting to twice the original sum contracted for their services? And does this form a ground for this claim for additional compensation? Mr.

F. declared that he never should vote for any additional compensation to the officers alone, but would assure the chairman he was ready to go with him in making any suitable provisions for these Revolutionary heroes, which would do equal justice to the soldier as well as the officer.

Mr. SMITH, of South Carolina, replied to some of the remarks of Mr. WEBSTER. He considered that these claims could not be established in a court of equity, and remarked that the panegyric bestowed by the gentleman from Massachusetts on the conduct of the officers at the close of the war, was not entirely deserved, as there had been, to a certain extent, a revolt among them, which nothing but the presence and influence of Washington had overcome. Besides, he maintained that the officers could not better themselves by any course of violence. There was nothing left of which they could possess themselves, the country having been ravaged, and the property of the citizens having been destroyed. He repeated what he had said in relation to an individual among the claimants who was worth a large fortune.

Mr. SMITH, of Maryland, said that there were but twelve of these officers who were residents in Maryland, yet, were he to vote against this bill, he might be certain of never being returned to Congress again. His constituents were in favor of it. They were desirous that something should be done to smooth the way to the grave of these veteran servants of the country. There might be one gentleman in South Carolina who was possessed of a fortune, but this was no reason why the other claimants should be neglected, nor did it alter the justice of the claim. There was not one of these officers who resided in Maryland that was possessed of property. There was, formerly, one rich officer in Maryland, who had lately died. But he would not have received this annuity, had he been living. I say this annuity, because it is not, as it has been denominated, a pension.

Mr. WHITE said, that if this was solely an equitable claim, the legal representatives of deceased officers had an equal right to claim the provision, as the surviving officers. For this reason he had not voted against the bill in its former shape. It was now placed in a position in which he could conscientiously record his vote in its favor. He should, therefore, state, as concisely as possible, the grounds on which his vote would be given. He considered this was a gratuity to the officers and soldiers of the Revolution, in consideration, that a promise made to them by the Government had not been complied with as far as was intended. If this was intended as a gratuity, it did not extend to the legal representatives of the deceased. But, sir, said Mr. W., I see in existence the men who have rendered these services to their country. I see them in want, and I cannot refuse to succor them. They have conferred benefits upon the country, upon

which we cannot place too high an estimate. Those services have not been compensated according to a former promise of the Government. This compact has been fulfilled in form, but not in substance. Others may have served the country with equal fidelity and zeal, but not having the promise which these men had, their claims are placed on other and weaker grounds. They cannot have an equal claim with these officers. I have always considered, said Mr. W., that the victories achieved by these men over the enemy were not their greatest victories. The greatest of their triumphs was that which they achieved over themselves, their wants, and interests, when, at the close of the war, they delivered up their arms, and retired to the private walks of life, trusting in the justice of their countrymen, and fully believing, that, when the time arrived, they would receive the compensation pledged to them by the Government. That time has arrived. We are now able to render this tribute of justice. And if it were the last dollar in the Treasury, I would give it for this purpose. This opinion is, I think, founded on principle. It may be said that I am actuated by feeling; but, if so, it is a feeling which I think I ought to entertain. As to any other motives, I do not entertain them. I came here dressed in no man's livery; but as the representative of a sovereign State, to act according to my conscience and the will of my constituents alone. Any imputation to the contrary I cannot admit, as I should feel myself degraded by allowing myself to act on other grounds; and I should think it beneath me, to look upon the decisions of Senators as arising from any other views.

Mr. MACON moved to lay the bill upon the table, which was negatived, 23 to 20.

On motion of Mr. VAN BUREN, the bill was ordered to lie on the table, and be printed, as amended.

MONDAY, April 28.

#### *Adjournment of Congress.*

The resolution submitted on Friday by Mr. JOHNSON, of Kentucky, authorizing the appointment of a committee to meet a committee on the part of the House, to fix upon a period at which Congress shall adjourn, was taken up.

Mr. MCKINLEY moved to lay the resolution on the table; which was negatived—22 to 13.

Mr. MACON moved to appoint a committee to meet the committee appointed by the House under the resolution of the House to fix the period of adjournment, and to select the business to be acted on; which was agreed to—20 to 17.

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The bill for the relief of certain Revolutionary officers and soldiers was taken up again; and, having been further amended, on motion

of Mr. WOODBURY, the question occurred on striking out, and inserting the amendment offered by the committee, as amended, which was agreed to without a division.

The question on engrossing being then put; and the yeas and nays having been ordered, the bill was ordered to be engrossed for a third reading, by the following vote:

YEAS.—Messrs. Barnard, Bateman, Bell, Berrien, Boulogny, Chambers, Chase, Dickerson, Eaton, Harrison, Hayne, Johnson of Kentucky, Johnston of Louisiana, Kane, King, Knight, Marks, Parria, Robbins, Rowan, Sanford, Seymour, Silsbee, Smith of Maryland, Thomas, Van Buren, Webster, White, Willey, Woodbury—30.

NAYS.—Messrs. Barton, Benton, Branch, Chandler, Cobb, Ellis, Foot, Hendricks, McKinley, Macon, Noble, Ridgely, Ruggles, Smith of S. C., Tazewell, Tyler, Williams—17.

WEDNESDAY, April 30.

#### *Time of Adjournment.*

Mr. BERRIEN, from the committee appointed to join a committee from the other House for the purpose of fixing upon the time for the adjournment of the two Houses, reported the following resolution:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the Senate and Speaker of the House of Representatives do adjourn their respective Houses on Monday, the 26th May next.*

#### *Cumberland Road.*

On motion of Mr. MARKS, the bill for the preservation and repair of the Cumberland road (to erect turnpike gates on the road) was taken up, and the amendments reported by the Committee on Roads and Canals agreed to.

Mr. JOHNSON, of Kentucky, supported the bill, and read a letter from the postmaster general, enclosing a letter from a mail contractor, detailing the bad state of repair of some sections of the road.

Mr. MARKS argued that the road would be ruined if suffered long to remain in its present condition. It would be little better than to allow the road to return to its wilderness state, to neglect repairing it through another winter like the last. There were three courses that might be taken. The United States could make appropriations for the repair of the road; they could erect toll gates; or to turn over the whole matter to the States in which the road lies. If the latter course were pursued, there was no certainty that the States would undertake to keep the road in repair, as they looked upon the road, having been made by the General Government, as a work of a national character, and Congress as bound to provide for its repairs. The question before the Senate was, whether Congress should allow a work which had cost two millions of dollars, to fall

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into decay for want of repair, or would take measures to perpetuate the benefits of the road. It was true, that the work done last year was becoming dilapidated and going to ruin, while they were going on with the other parts of the work. There was no gentleman present, he believed, who would not be convinced of the necessity of doing something to prevent the road from going to destruction. He knew that it had been argued that Congress had not the power to do this; but, he considered, that, as it had been decided by repeated votes, that Congress had the right to make the road, it could hardly be maintained that Congress had not the right to repair it.

Mr. BRANCH objected that the Senate had no power to originate a bill for the levying of taxes.

Mr. MARKS replied that it was not the design of the bill to bring any thing into the public coffers, as all the money collected from tolls would be expended in repairs upon the road.

Mr. BENTON objected to the late period at which this bill had been taken up. He said he held in his hand a set of resolutions, which he thought would meet the views of the friends of the bill. He, therefore, moved to lay the bill upon the table until to-morrow, when his resolutions would come up for consideration.

Mr. HARRISON objected to the resolutions, and considered that the tendency of their introduction would be to retard the bill, and probably to postpone it until next session.

Mr. SMITH, of Maryland, said he wished this bill tried on its merits; because, if it was rejected, the Senate would virtually say that they would vote money for the repair of the road. He had no choice as to the manner in which the object was effected. One way or another the road would doubtless be repaired, as it could not be supposed that they would allow all the expense which the road had cost to be lost for want of repair.

Mr. MACON thought the Senate was going rather too fast. He rose to ask the President whether it was competent to the Senate to frame an act upon a bill of this kind; whether it was not a bill which ought to originate in the other House?

The Chair observed that it was a question of great magnitude; he should be desirous of referring the decision of the question to the Senate. Whether the Senate had the power to frame such a bill, under the constitution, was a point of some doubt and much importance.

Mr. KIRK doubted whether the President was competent to decide the question, as it was a constitutional point, and not a question of order.

The Vice President said he was by no means covetous of the duty of deciding.

Mr. HENDRICKS expressed a wish that the bill might not be postponed, and that it might be disposed of without a constitutional argument. The constitutional question had often

been decided by the Senate, and he thought its agitation would be useless now.

The President said he would be governed by the Senate. The reason why the Chair had supposed that the question came under the rules of order, was, that those rules had regulated the practice of the body. The article of the constitution to which it referred, established that certain bills could not be framed in the Senate, and hence the Chair was of opinion, that a question as to the power given in this respect, would come under the regulation of the business of the Senate. He might be in error, but such was his impression.

The Vice President again rose, and stated that the question presented a new point of order. It appeared to him that the decision would not turn upon the constitutionality of the bill, but upon the practice of the Senate. He wished the Senators to consider the question.

The bill was ordered to lie on the table.

The Vice President gave notice, that, when the bill should come up, as it presented a new point, and as the constitutional question was one of great magnitude, he would submit to the Senate whether or not it came within the rules of order.

MONDAY, May 5.

*The Tariff Bill.*

On motion of Mr. DICKERSON, the bill to increase the duties on certain imported articles was taken up, and the first amendment reported by the Committee on Manufactures.

#### *Molasses.*

The following amendment was considered; and, on motion of Mr. PARRIS, the question was divided, so as to decide first on striking out—

Sec. 3, line 20. Strike out the words "ten cents," and insert "seven cents and a half," so as to read, "on molasses seven cents and a half per gallon."

Mr. ROBBINS spoke at considerable length against the duty upon molasses, as unnecessary, inexpedient, and oppressive, an odious tax upon a necessary article.

Mr. DICKERSON defended the imposition of the duty, and argued that it would lead to the production of the article in the country.

Mr. BENTON advocated the duty on molasses as an indirect encouragement to the landed, or farming interest. It would enable the distillers of the Western country, who used pains to compete with those in the Eastern States, who distilled from molasses. Among other remarks, Mr. B. said that whiskey was the healthiest liquor that was drank, as men were known who had been drunk upon it for forty or fifty years, while rum finished its victims in eight or ten.

Mr. CHANDLER said, that he understood the gentleman from Missouri that a man might be



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drunk on whiskey for forty years. This was the reason why he would vote against the duty, as he was in favor of that liquor which should soonest despatch the drunkard.

Mr. PARRIS expressed himself averse to the duty on molasses, which he looked upon as far more injurious to Maine, than it could be beneficial to Missouri. Mr. P. then gave some details in relation to the trade carried on by the State of Maine with the West India islands, and contended that this duty would act as a death blow to that trade.

Mr. JOHNSON, of Kentucky, defended the measure, as extending to the West its share of protection. He did not consider that the State of Maine would suffer, as her tonnage would be employed in carrying the molasses of Louisiana, instead of that of the West Indies. If the bill was amended and sent back to the other House, and should there be lost, he wished to know who would assume the responsibility.

Mr. PARRIS replied briefly to Mr. JOHNSON. He felt no anxiety as to the responsibility for having caused the bill to be lost. His constituents would be severely injured by it. Indeed, had a measure been framed for the express purpose of bearing down the interest of the State of Maine, it would not have been more successful. As to a responsibility of any other kind to which the gentleman might allude, he felt no anxiety. He maintained that Louisiana could not supply the West India trade in the article of molasses, or yield a market for the productions of Maine.

The question being then put on striking out, it was decided in the negative.

#### *Vermicelli.*

The amendment at the 22d line of the 8d section, to insert "on vermicelli 50 per centum," being next—

Mr. DICKERSON explained this proposition. The article was not as unimportant as by some it might be supposed. He mentioned the fact of a manufacturer in the State of New Jersey, who exported large quantities.

Mr. SMITH, of Maryland, said, the gentleman from New Jersey will not even let us have our soup in peace. That, too, must be taxed. He will think of taxing the air we breathe next. This article was to be taxed, because there was a manufacturer in New Jersey who appeared to be doing very well, as the gentleman said that he exported large quantities.

Mr. BENTON said he would detain the Senate but a minute and a half; and he intended to tell a story instead of making a speech. When the tariff of 1824 was under discussion in the other House, a gentleman, whom he did not then know, but whom he afterwards learned was a member of Congress, came to him in his seat, and asked whether there were not caves in Missouri in which Epsom salts were found. He (Mr. B.) answered doubtingly—and the gentleman said he had at home a small manufactory of the article, and he argued that the

caves in Missouri and his manufactory entitled the article to be protected. When the gentleman from New Jersey proposed this duty, because there happened to be a manufactory of vermicelli in New Jersey, his (Mr. B.'s) mind recurred to this circumstance, and he could not but ask whether there was any member of Congress interested in the business?

Mr. DICKERSON assured Mr. BENTON that no member of Congress had any concern in the manufactory of which he had spoken.

The amendment was rejected, 18 to 24.

TUESDAY, May 6

#### *The Tariff Bill.—Lead.*

The bill increasing the duties on certain imported articles was then taken up, together with the amendment offered by Mr. KANE, to lay a duty on lead in pigs, bars, or sheets, three cents per pound; on leaden shot, four cents per pound; on red or white lead, dry or ground in oil, five cents per pound; on litharge, and lead manufactured into pipes, five cents per pound.

Mr. KANE explained the object of the amendment.

Mr. PARRIS opposed it, and made some statements relative to the amount of the importations of the articles named.

Mr. BENTON spoke in favor of its adoption. He said he was a member of the Senate in 1824 when the existing tariff was enacted, and was in favor of a higher duty upon lead and its manufactures, at that time, but was prevented from making any motion to that effect by the admonition, often repeated, that the whole bill might be lost, if alterations were attempted. That tariff has been in operation four years, and except for the duty on lead, it had proved itself to be of no advantage to the State of Missouri. Being again under revision, and heavy duties proposed on many articles consumed, but not manufactured in Missouri, he considered it due to that State, and to the State of Illinois, to endeavor to obtain further protection for one of their principal staples, the article of lead; and the amendment now under consideration, having been well considered by himself and the Senator from Illinois (Mr. KANE,) he could say that the duty on the crude article, and all its manufactures, was adjusted upon a full view of their relative connection and dependence on each other, and were believed to be fair and equal. The amendment had a further recommendation in including litharge, and several manufactures of lead, which were omitted in the tariff of 1824, and left open a door to various evasions of the act.

Mr. B. considered lead as one of the articles of domestic production on which the system of protecting duties might be legitimately carried to the prohibitory point against its foreign

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rial. It was an article of prime necessity in time of war, absolutely indispensable to our security and independence as a nation, and susceptible of being produced at home to the full extent of any possible demand. He would not repeat what everybody knew about the variety, the extent, and the richness of the lead mines in the State of Missouri and on the Upper Mississippi. It was sufficient to say that past discoveries authorized the belief that innumerable fresh discoveries may be made; that the supply of the article will increase in full proportion to the demand for it; and that the ultimate product may be set down as boundless and inexhaustible. This being the fact, there could be no valid objection to the absolute exclusion of the foreign article. The amendment, however, does not go that length, but probably may operate as a prohibitory duty in the lapse of some years.

Mr. B. said that the reasons for granting this increased duty on lead, were, first, to secure to the United States an ample, certain, and regular supply of an article, indispensable in time of war; and next, to enable the States of Missouri and Illinois, in which this article abounded, to meet the additional burthens which this new tariff, if it became a law, would impose upon them. Lead furnishes the main part of these means. It will serve for remittances in payment of these woollen and cotton goods, which we are hereafter to receive at an augmented price from New England, and of course we should have augmented means of paying for them. Our ordinary productions of corn, wheat, pork, beef, whiskey, and tobacco, would be in no demand there, even if they could bear the expense of transportation, as the present complaint of New England against old England is, that she takes no provisions from her, of course New England will take none of these articles from us, and we must either pay for her woollens in gold or silver, which we must get from the South, or in such articles as will bear transportation. Lead and shot are among the few articles produced in Missouri and Illinois, which will bear transportation to New England, or which will command the money which will have to be carried there; and as these States are to buy their woollen goods from her at a greatly augmented price, it is but distributive justice that they should have augmented means of paying for them. With this view, and to obtain something like the monopoly of the American market in furnishing it with lead, the Senator from Illinois (Mr. KANE) and himself had agreed upon the terms of the amendment now under consideration. It specified a higher duty on lead and shot, than had been offered and rejected in the House of Representatives. That duty was only 50 per cent. on the existing duty; the present amendment proposed 100 per cent. It might be thought high; but he could say that it was not too high for the benefit of Missouri and Illinois; and if rejected,

there would be nothing in the bill to induce him to vote for it.

Mr. B. concluded with saying, that the mineral district in Missouri was at present in a languishing state. The Government had lately reserved about 500,000 acres of land there, from sale, making a desert in the heart of the country; the old French and Spanish claims were yet unsettled; that the upper strata of mineral was much exhausted, and the lower could not be got at without much expense, and considerable skill in mineralogy; that many of the miners had gone off to the new mines on the upper Mississippi, and that the increased protection which the amendment contemplated was essential to the extensive revival of mining in Missouri, and the restoration of a large district to its former prosperity. If this amendment should be adopted, and if a bill for the sale of the reserved lead mines which he had introduced, and passed through the Senate in the fore part of the session, should succeed in getting through the House of Representatives, then might the mineral region in Missouri become the centre of an immense attraction, the theatre of vast enterprise, the seat of unnumbered manufactories, the focus of incredible wealth, a market for a prodigious consumption of merchandise and provisions; and the whole country can be made to rejoice in the profusion of benefits which it would disburse around.

Mr. ROWAN said that he should vote against the proposed duty upon lead, and as it was a Western product, and we might be supposed, on that account, to be inclined to support it, he felt it his duty to give some of the reasons which would induce him to vote against it.

He begged leave, however, to premise, that he was individually opposed to the whole system. He was opposed to the tariff, as a system of bounties, for the encouragement of certain classes of industry. He considered the protection, which it extended to one class of industry, as a correspondent depression upon other classes. Its professed object was to tax one part of the community for the benefit of another. Its operation is to impoverish one class of laborers, for the purpose of enriching another—or rather to tax the laboring, and more especially the agricultural portion of the community, to enrich the capitalists—to increase the poverty of those already poor, to enhance the wealth of those already rich—as a system, calculated to accelerate that state of wealth, in the hands of the few, which is incompatible with the happiness and liberty of the many—as a system, the tendency of which, is to inflict upon the people of this country the poverty, wretchedness, and vassalage, which characterize the people in Governments less favorable to liberty than ours.

He was not, he said, opposed to the tariff as a system of revenue, honestly devoted to the objects and purposes of revenue—on the contrary, he was friendly to a tariff of that char-

acter; but when perverted by the ambition of political aspirants, and the secret influence of inordinate cupidity, to purposes of individual, and sectional ascendancy, he could not be seduced by the captivation of names, or terms, however attractive, to lend it his individual support.

It is in vain, Mr. President, said he, that it is called the American System—names do not alter things. There is but one American system, and that is delineated in the State and Federal Constitutions. It is the system of equal rights and privileges secured by the representative principle—a system which, instead of subjecting the proceeds of the labor of some to taxation, in the view to enrich others, secures to all the proceeds of their labor—exempts all from taxation, except for the support of the protecting power of the Government. As a tax necessary to the support of the Government, he would support it—call it by what name you please—as a tax for any other purpose, and especially for the purposes to which he had alluded—it had his individual reprobation, under whatever name it might assume.

It might, he observed, be inferred from what he had said, that he would vote against the bill. He did not wish any doubts to be entertained as to the vote he should give upon this measure, or the reasons which would influence him to give it. He was not at liberty, he said, to substitute his individual opinion for that of his State. He was, he said, one of the organs here, of a State, that had, by the tariff of 1824, been chained to the car of the Eastern manufacturers—a State that had been from that time, and was now groaning under the pressure of that unequal and unjust measure—a measure, from the pressure of which, owing to the prevailing illusion throughout the United States, he saw no hope of escape, by a speedy return to correct principles—and seeing no hope of escaping from the ills of the system, she is constrained, on principles of self-defence, to avail herself of the mitigation which this bill presents, in the duties which it imposes upon foreign hemp, spirits, iron, and molasses. The hemp, iron, and distilled spirits of the West, will, like the woollens of the Eastern States, be encouraged to the extent of the tax indirectly imposed by this bill, upon those who shall buy and consume them. Those who may need, and buy those articles, must pay to the grower, or manufacturer of them, an increased price to the amount of the duties imposed upon the like articles of foreign growth or fabric. To this tax upon the labor of the consumer, his individual opinion was opposed. But, as the organ of the State of Kentucky, he felt himself bound to surrender his individual opinion, and express the opinion of his State.

If upon this, or any other subject, he should substitute his own, for the well-known will of his State, he should feel that he had been faithless to her interests, and unfriendly to the principles of our republican institutions. He had

no doubt but the people of the State which he had the honor to represent, were, like him, opposed to taxation for any individual or partial purpose—for any purpose but the support of the Government. They would submit to and pay any tax cheerfully, for the protection of all, but not to enrich a few. But they are reduced by the operation of this American System, as it is falsely called, to the condition of the planter whose farm, fences, and houses, are endangered by fire from the forest. They, like him, must fire against the encroaching fire. The exercise of will is not left them—they are under the influence of a dire necessity. He must, therefore, as their humble organ, vote for this bill; and would, on the same principle, vote for this duty on lead, if he could do it without disparaging his Government. The mines of lead, with the exception of a few Spanish grants, which he had been told were nearly exhausted, belonged to the United States. To suppose that the Government to whose strength we all look for protection, so weak as to need protection against foreign competition in the manufacture and sale of this vulgar metal, was not, he thought, very respectful to the Government. He might be told that the Government leases its mines, and that the lessees, and not the Government, would be benefited by this duty. His reply was, that when you raise the price of lead, you raise rents. This would be inevitable. The competition between the lessees would necessarily produce this result; and thus, while the consumers of this necessary and useful article would be taxed, the manufacturer of it would not be benefited. The tax would go to the Government, and not to them. The western section of our country would not be benefited. It would be unjust; for the tax thus levied upon the consumers of that article, would be drawn from that region into the Treasury, and like all the very large sums which, under the tariff of 1824, and under the sales of the public lands, have been drawn from that quarter, would be laid out upon the seaboard. Not intending, he said, to take any part in the discussion of this bill, he had taken this occasion to intimate the course he should pursue upon this measure, and to express, very briefly, some of the reasons by which he was influenced. He had forbore to go into detail. He had not attempted to depict the evils which had been inflicted upon the Southern and Western States by this new system—a system peculiar to aristocrats and to monarchists—kinds of Government to which it naturally led, and to the support of which, it was as natural and necessary, as it was alien from and abhorred by republics. He repeated it as his opinion, that his State was driven to the acceptance of this bill, not as a good, which she approved, but as the softener of an evil, from which she cannot escape, and which, without the mitigation which it tenders, she is unable to bear.

The amendment was adopted.

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The bill was reported to the Senate.

#### Furs.

Mr. BENTON moved to amend the bill by a provision laying a duty of 83½ per centum, *ad valorem*, on furs.

Mr. DICKERSON opposed the motion.

Mr. BENTON entered into a detail of the extent and value of the Northwestern fur trade, and the necessity under which the fur traders labored for protection from British competition.

Mr. DICKERSON moved to amend the amendment by substituting 45 per cent. instead of 83½.

Mr. BENTON accepted the modification.

Mr. DICKERSON moved to amend the amendment, by inserting 50 per cent. *ad valorem*, on foreign manufactured fur hats. He observed that, at present, furs were admitted duty free, and there was a duty of 80 per cent. on imported hats. If a duty were laid on furs, and the duty on hats remained the same, the manufacturer must give up making them.

Mr. BENTON asked whether there was not, at present, a prohibitory duty on foreign hats?

Mr. DICKERSON said that great numbers were still imported.

The motion was then rejected, 15 to 24.

On Mr. BENTON's amendment, the question was decided in the negative.

FRIDAY, MAY 9.

#### The Tariff Bill.—Indigo.

Mr. BENTON proposed an amendment, to impose a duty of 25 cents per pound on imported indigo, with a progressive increase at the rate of 25 cents per pound per annum, until the whole duty amounted to \$1 per pound. He stated his object to be two-fold in proposing this duty, first, to place the American system beyond the reach of its enemies, by procuring a home supply of an article indispensable to its existence; and next, to benefit the South by reviving the cultivation of one of its ancient and valuable staples.

Indigo was first planted in the Carolinas and Georgia about the year 1740, and succeeded so well as to command the attention of the British manufacturers and the British Parliament. An act was passed for the encouragement of its production, in these colonies, in the reign of George the Second, the preamble to which Mr. B. read, and recommended to the consideration of the Senate. It recited that a regular, ample, and certain supply of indigo was indispensable to the success of British manufactures; that these manufactures were then dependent upon foreigners for a supply of this article; and that it was the dictate of a wise policy to encourage the production of it at home. The act then went on to direct that a premium of six pence sterling should be paid out of the British Treasury for every pound of indigo imported into Great Britain, from the

Carolinas and Georgia. Under the fostering influence of this bounty, said Mr. B., the cultivation of indigo became great and extensive. In six years after the passage of the act, the export was 217,000 lbs., and at the breaking out of the revolution, it amounted to 1,100,000 lbs. The Southern colonies became rich upon it; for the cultivation of cotton was then unknown; rice and indigo were the staples of the South. After the revolution, and especially after the great territorial acquisitions which the British made in India, the cultivation of American indigo declined. The premium was no longer paid; and the British Government, actuated by the same wise policy which made them look for a home supply of this article from the Carolinas, when they were a part of the British possessions, now looked to India for the same reason. The export of American indigo rapidly declined. In 1800 it had fallen to 400,000 lbs.; in 1814 to 40,000 lbs.; and in the last few years to 6,000 or 8,000 lbs. In the mean time our manufactures were growing up; and having no supply of indigo at home, they had to import from abroad. In 1826 this importation amounted to 1,150,000 lbs., costing a fraction less than two millions of dollars, and had to be paid for almost entirely in ready money, as it was chiefly obtained from places where American produce was in no demand. Upon this state of facts, Mr. B. conceived it to be the part of a wise and prudent policy to follow the example of the British Parliament in the reign of George II., and provide a home supply of this indispensable article. Our manufacturers now paid a high price for fine indigo, no less than \$2 50 per pound, as testified by one of themselves before the Committee on Manufactures raised in the House of Representatives. The duty which he proposed was only 40 per cent. upon that value, and would not even reach that rate for four years. It was less than one-half the duty which the same bill proposed to lay instantaneously upon the very cloth which this indigo was intended to dye. In the end it would make all indigo come cheaper to the manufacturer, as the home supply would soon be equal, if not superior to the demand; and in the mean time, it could not be considered a tax on the manufacturer, as he would levy the advance which he had to pay, with a good interest, upon the wearer of the cloth.

Mr. B. then went into an exposition of the reasons for encouraging the home production of indigo, and showed that the life of the American system depended upon it. Neither cotton nor woollen manufactures could be carried on without indigo. The consumption of that article was prodigious. Even now, in the infant state of our manufactures, the importation was worth two millions of dollars; and must soon be worth double or treble that sum. For this great supply of an indispensable article, we were chiefly indebted to the jealous rival, and vigilant enemy, of these very manufactures, to Great Britain herself. Of the

1,150,000 lbs. of indigo imported, we bring 620,000 lbs. from the British East Indies; which one word from the British Government would stop forever; we bring the further quantity of 120,000 lbs. from Manilla, a Spanish possession, which British influence and diplomacy could immediately stop; and the remainder came from different parts of South America, and might be taken from us by the arts of diplomacy, or by a monopoly of the whole on the part of our rival. A stoppage of a supply of indigo for one year, would prostrate all our manufactories, and give them a blow from which they would not recover in many years. Great Britain could effect this stoppage to the amount of three-fourths of the whole quantity, by speaking a single word, and of the remainder by a slight exertion of policy, or the expenditure of a sum sufficient to monopolize for one year, the purchase of what South America sent into the market.

Mr. B. said he expected a unanimous vote in favor of his amendment. The North should vote for it to secure the life of the American system; to give a proof of their regard for the South; to show that the country south of the Potomac is included in the bill for some other purpose besides that of oppression. The South itself, although opposed to the further increase of duties, should vote for this duty; that the bill, if it passes, may contain one provision favorable to its interests. The West should vote for it through gratitude for fifty years of guardian protection, generous defence, and kind assistance, which the South had given it under all its trials; and for the purpose of enlarging the market, increasing the demand in the South, and its ability to purchase the horses, mules, and provisions which the West can sell nowhere else. For himself he had personal reasons for wishing to do this little justice to the South. He was a native of one of these States (North Carolina)—the bones of his father and his grandfathers rested there. Her Senators and Representatives were his early and his hereditary friends. The venerable Senator before him (Mr. MAOON) had been the friend of him and his, through four generations in a straight line; the other Senator (Mr. BRANON) was his schoolfellow; the other branch of the Legislature, the House of Representatives, always showed him in the North Carolina Delegation, the friends of him and his through successive generations. Nor was this all. He felt for the sad changes which had taken place in the South in the last fifty years. Before the revolution it was the seat of wealth as well as of hospitality. Money, and all that it commanded, abounded there. But how now? All this is reversed.

Wealth has fled from the South, and settled in the regions north of the Potomac, and this in the midst of the fact that the South, in four staples alone, in cotton, tobacco, rice, and indigo, (while indigo was one of its staples,) had exported produce since the revolution, to the

value of eight hundred millions of dollars, and the North had exported comparatively nothing. This sum was prodigious; it was nearly equal to half the coinage of the mint of Mexico since the conquest by Cortez. It was twice or thrice the amount of the product of the three thousand gold and silver mines of Mexico, for the same period of fifty years. Such an export would indicate unparalleled wealth; but what was the fact? In place of wealth, a universal pressure for money was felt; not enough for current expenses; the price of all property down; the country drooping and languishing; towns and cities decaying; and the frugal habits of the people pushed to the verge of universal self-denial, for the preservation of their family estates. Such a result is a strange and wonderful phenomenon. It calls upon statesmen to inquire into the cause; and if they inquire upon the theatre of this strange metamorphosis, they will receive one universal answer from all ranks and all ages, that it is Federal legislation which has worked this ruin. Under this legislation the exports of the South have been made the basis of the Federal revenue. The twenty odd millions annually levied upon imported goods, are deducted out of the price of their cotton, rice, and tobacco, either in the diminished price which they receive for these staples in foreign ports, or in the increased price which they pay for the articles they have to consume at home. Virginia, the two Carolinas, and Georgia, may be said to defray three-fourths of the annual expense of supporting the Federal Government; and of this great sum annually furnished by them, nothing, or next to nothing, is returned to them in the shape of Government expenditure. That expenditure flows in an opposite direction; it flows northwardly, in one uniform, uninterrupted and perennial stream; it takes the course of trade, and of exchange; and this is the reason why wealth disappears from the South, and rises up in the North. Federal legislation does all this; it does it by the simple process of eternally taking away from the South, and returning nothing to it. If it returned to the South the whole, or even a good part of what it exacted, the four States south of the Potomac might stand the action of this system, as the earth is enabled to stand the exhausting influence of the sun's daily heat by the refreshing dews which are returned to it at night; but as the earth is dried up, and all vegetation destroyed in regions where the heat is great, and no dews returned, so must the South be exhausted of its money, and its property, by a course of legislation which is forever taking from it, and never returning any thing to it.

Every new tariff increases the force of this action. No tariff has ever yet included Virginia, the two Carolinas, and Georgia, within its provisions, except to increase the burthens imposed upon them. This one alone presents the opportunity to form an exception, by re-

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*The Tariff Bill.*

[SENATE.]

viving and restoring the cultivation of one of its ancient staples, one of the sources of its wealth before the revolution. The Tariff of 1828 owes this reparation to the South, because the Tariff of 1816 contributed to destroy the cultivation of indigo; sunk the duty on the foreign article, from twenty-five to fifteen cents per pound. These are the reasons for imposing the duty on indigo, now proposed. What objections can possibly be raised to it? Not to the quality: for it is the same which laid the foundation of the British manufactures, and sustained their reputation for more than half a century; not to the quantity: for the two Carolinas and Georgia alone raised as much fifty years ago as we now import, and we have now the States of Louisiana, Alabama, and Mississippi, and the Territories of Florida and Arkansas, to add to the countries which produce it; not to the amount of the duty: for its maximum will be but forty per cent., only one-half the duty laid by this bill on the cloth it is to dye, and that maximum, not immediate, but attained by slow degrees at the end of four years, in order to give time for the domestic article to supply the place of the imported; and after all, it is not a duty on the manufacturer, but on the wearer of the goods; from whom he levies, with a good interest on the price of the cloths, all that he expends in the purchase of materials. For once, said Mr. B., I expect a unanimous vote on a clause in the tariff. This indigo clause must have the singular and unprecedented fatuity of a unanimous voice in its favor. The South must vote for it, to revive the cultivation of one of its most ancient and valuable staples; the West must vote for it through gratitude for past favors—through gratitude for the vote on hemp this night—and to save, enlarge, and increase the market for its own productions; the North must vote for it to show their disinterestedness; to give one proof of just feeling towards the South; and, above all, to save their favorite American system from the deadly blow which Great Britain can at any moment give it, by stopping or interrupting the supplies of foreign indigo; and the whole Union, the entire legislative body, must vote for it, and vote for it with joy and enthusiasm, because it is impossible that Americans can deny to sister States of the Confederacy, what a British king and a British Parliament granted to these same States when they were colonies and dependencies of the British crown.

SATURDAY, May 10.

*The Tariff Bill.—Indigo.*

Mr. DICKERSON moved to discharge from the special orders the bill to alter the several acts levying duties on imports; which having been agreed to, the general orders preceding that bill were postponed, on motion of Mr. DICKERSON, and it was taken up. The motion of Mr. BEN-

TON, adding ten cents to the present duty on indigo, and 25 cents per annum afterwards, until it amounts to one dollar per pound, being under consideration—

Mr. MACON addressed the Senate in a speech of two hours in length, supporting the provision, and treating at large of the general policy of the bill, and its operation on the various sections of the country. He contended that the benefits of the system had been confined to the people of the Eastern States, and that the South had suffered severely under its influence.

Mr. SMITH, of Maryland, moved to divide the question. He was disposed to protect the article, and he wished that the first part should succeed. Fifty cents per pound appeared to him to be quite sufficient, and he thought the amendment as it stood proposed too high a rate of duty. He asked that the question be taken by yeas and nays on the first part; which were ordered.

Mr. DICKERSON said that the proposition now advanced would add to the duty 25 cents in one year, which he thought far too rapid. The article was not now produced in any great quantity—certainly not sufficient to supply the consumption of the country; nor would it be in the course of one year. He was entirely willing that the article should receive an ample degree of protection. In doing this, however, common justice would point out that it ought not to be done so as to injure the manufacturer. If it was brought on suddenly, injury must be sustained by the manufacturing consumer, which would not be felt if the progress of the duty was gradual. The average price of the indigo imported was one dollar seventy-one cents. The duties now proposed on it would be about fifty-eight per cent., while the duty proposed on wool would be fifty-one per cent.; making, on the raw material and the dye, a charge disproportioned to the protection of the manufactured article. It was true that the coloring matter used in a yard of cloth was very small, but it would be felt very sensibly. The additional duty on the manufactured article was only forty-five per cent., and could not, consequently, bear any great decrease, by way of duty on the materials of their fabrics. [Here Mr. D. made some statements as to the amount of indigo imported, which our Reporter cannot accurately state.] Believing that the manufacturers could not bear this duty, unless a correspondent advance should be made on the duty on cloths, because indigo could not be produced in sufficient quantities at present, he was of opinion that fifty cents on the pound would be as much as the blue cloths could bear. He therefore moved to amend the amendment, by striking out, and inserting five cents, until it arrives at fifty cents, instead of one dollar.

Mr. BENTON said that it appeared by the evidence before the other House, that the first dye used by the manufacturers was of an inferior description, and that they afterwards made use

of a fine dye. Three-fourths of the indigo used came from the British and Spanish East Indies; and it was testified that the fine quality cost about \$2 50 per pound. That from Guatemala was of an inferior kind, and cheaper; taken together, the two descriptions of indigo imported amounted to a fraction less than one million of dollars. If the amendment offered by him (Mr. B.) was adopted, there would be no necessity for importing the inferior kind, and perhaps not to a great extent, the best. Now, the rate of his amendment was far from being exorbitant. On the fine indigo, of which the greatest amount was consumed, the maximum of duty was forty per cent. This certainly was reasonable, when the duty on woollens was seventy per cent., giving thirty per cent. in their favor. By this new proposition the duty on indigo would become twenty per cent., just half the additional protection enjoyed by the woollens on the passage of this bill. If this proposition was to succeed, it would be better and fairer to face the South at once, and say that they shall receive no benefit and no protection from this bill. The friends of the American system had better at once declare to the South that they have no lot or portion under that system. Better give them a direct refusal at once, that they may understand the exact extent of the American system, and whether it includes merely that portion of the Union in which its friends are interested.

Mr. SMITH, of Maryland, thought it was extraordinary that this proposition should be opposed, and on the grounds on which it was objected to. We are to do nothing which shall not be for the benefit of woollens and iron, and aid no other interest for fear it will conflict with them. I recollect, said Mr. S., that I told the friends of the tariff system in 1816, that the British were about doing the same thing, in relation to their woollen manufacturers, as was proposed by this system; and that it would be, in the end, much worse for the manufacturer than it then was; but they would not believe me. I was not mistaken, however, and it was easy to come at the fact. We got the papers from England, in which the matter was discussed. Then the friends of the system said that it was our policy to oppose and compete with Great Britain. It does not now seem that the same doctrine is held, for they are not willing to extend it to all the articles of this country's production. He objected entirely to the manner in which this bill was got up. Here was one interest opposing another, and a measure proposed which he did not think could be justly arranged by Congress in current legislation. Such a tariff ought to come from the Treasury Department to be well digested, and provide for all the different interests without injuring any. It was, it seemed, quite satisfactory to some, so long as it did sufficient for the woollens. That appeared to be all that was wanted. The bill, in his opinion, had not been sufficiently considered as to its conse-

quences on the country. In the other House it should have been inquired into and reported upon by the Committee of Ways and Means. I see, said Mr. S., that the gentleman from New Jersey (Mr. DICKERSON) smiles significantly, as much as to ask whether I suppose he would trust the bill in the hands of its enemies. This, however, is my opinion. I do not think that woollens alone are to be protected at the expense of other important articles.

Mr. HAYNE said he was opposed to this bill in its principles as well as in its details. It could assume no shape which would make it acceptable to him, or which could prevent it from operating most oppressively and unjustly on his constituents. With these views, he had determined to make no motion to amend the bill in any respect whatever; but when such motions were made by others, and he was compelled to vote on them, he knew no better rule than to endeavor to make the bill consistent with itself. On this principle he had acted in all the votes he had given on this bill. He had endeavored to carry out to its legitimate consequences what gentlemen are pleased to miscall the "American System." With a fixed resolution to vote against the bill, he still considered himself at liberty to assist in so arranging the details, as to extend to every great interest, and to all portions of the country, as far as may be practicable, equal protection, and to distribute the burthens of the system equally, in order that its benefits as well as its evils may be fully tested. On this principle, he should vote for the amendment of the gentleman from Missouri, because it was in strict conformity with all the principles of the bill. As a Southern man, he would ask no boon for the South—he should propose nothing; but he must say that the protection of indigo rested on the same principles as every other article proposed to be protected by this bill, and he did not see how gentlemen could, consistently with their maxims, vote against it. What was the principle on which this bill was professedly founded? If there was any principle at all in the bill, it was that, whenever the country had the capacity to produce an article with which any imported article could enter into competition, the domestic product was to be protected by a duty. Now, had the Southern States the capacity to produce indigo? The soil and climate of those States were well suited to the culture of the article. At the commencement of the revolution our exports of the article amounted to no less than 1,100,000 lbs. The whole quantity now imported into the United States is only 1,150,000 lbs.; so that the capacity of the country to produce a sufficient quantity of indigo to supply the wants of the manufacturers is unquestionable. It is true that the quantity now produced in the country is not great.

In 1818 only 700 lbs. of domestic indigo was exported.  
In 1825 9,955 do.  
In 1826 5,289 do.

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This proves that the attention of the country is now directed to the subject. The Senator from Indiana, in some remarks which he made on this subject yesterday, stated that, according to the principles of the American system, (so called,) protection was not extended to any article which the country was not in the habit of exporting. This is entirely a mistake. Of the articles protected by the Tariff of 1824, as well as those included in this bill, very few are exported at all. Among these are iron, woollens, hemp, flax, and several others. If indigo is to be protected at all, the duties proposed must surely be considered extremely reasonable, the maximum proposed being much below that imposed by this bill on wool, woollens, and other articles. The duty on indigo till 1816, was 25 cents per pound. It was then (in favor of the manufacturers) reduced to 15 cents. The first increase of duty proposed here, is only to put back the old duty of 25 cents per pound, equal to an *ad valorem* duty of from 10 to 15 per cent.—and the maximum is only from 40 to 58 per cent. *ad valorem*, and that will not accrue for several years to come. With this statement of facts, Mr. H. said he would leave the question in the hands of those gentlemen who were engaged in giving this bill the form in which it is to be submitted to the final decision of the Senate. He did not wish to be considered as taking any peculiar interest in this question, in any aspect but this: that he wished his constituents to be made to understand whether the American system means a system for the exclusive benefit of particular employments, and particular States, or whether it is to be carried out to embrace every branch of industry in the country—whether the manufacturers were the only class in the country who are to enjoy the protection of this system.

Mr. KNIGHT said that this was an additional tax on the manufacturer, without, as he conceived, any benefit to anybody. We have no evidence that the article is produced, or will be produced, in any quantity fit for use in this country—that so onerous were the duties already on the materials used in coloring, that the British manufacturer, with whom we had to compete, was enabled to put his colored goods into the market at 12 mills less per square yard than the American manufacturer can do; in other words, that the duties paid by the American manufacturer on materials for coloring amounted to 12 mills the square yard more than they cost the British manufacturer.

Mr. DICKERSON did not doubt the capacity of the Southern country to produce all the indigo required for the consumption of the country. It was a valuable article, and its production ought to be encouraged to a reasonable extent; but it could not be carried beyond that without injuring the manufacturers. The reason why the culture of indigo had not received greater attention, was, he believed, because the capital of the South had been turned to cot-

ton; and that being now the direction of the capital of the country, he believed no great amount would be immediately turned to indigo, and, therefore, that the high duty would be a hardship to the manufacturer, without a correspondent benefit to the agriculturist. He believed that, for some years, the South would choose to sell their cotton to those countries whence the indigo was brought, to raising large crops of the latter. He hoped it would in a few years be produced, and he did not doubt it would; and, as the production progressed, it would be right to extend the duty on the blue cloths, and, in a corresponding degree, upon indigo.

Mr. SMITH, of Maryland, said that he did not know but the proposition was a fair one—as fair as could be expected from the quarter whence it came. But the object of the gentleman from Missouri was to create a sudden excitement, by which the agriculturist would be induced to go at once into the production of indigo, so that, in a few years, no indigo would be imported. At present we get our indigo chiefly from Bengal. And it was interesting to know how it was purchased. For every pound that is imported we pay specie, for it can be purchased in no other way. We cannot find, in return, a consumption of our produce, which is an additional consideration in favor of the protection of the home product. Some time next year the Bengal ships would be on their return, and, in the mean time, the effect of the excitement which the proposition of the gentleman from Missouri would have given in favor of its culture, would have operated to a considerable extent, and in five years you will not be under the necessity of importing the article at all. Mr. S. moved to divide the question, so as to take the vote first on striking out; which, the question being taken, was decided as follows:—Yeas 23, nays 23.

The vote being equal, the Chair voted in the negative.

Mr. DICKERSON moved to amend the amendment, by striking out "one dollar," and inserting "fifty cents," making the increase of duty proposed by Mr. BENTON, stop at the latter amount.

On this motion a question of order arose, which was debated at some length by Messrs. KING, VAN BUREN, DICKERSON, WEBSTER, MACON, HARRISON, WOODBURY, BRANCH, and CHANDLER.

The question, which was admitted to be a doubtful one by Mr. Jefferson, in his Manual, whether, after having refused to strike out a portion of a bill, the part proposed to be struck out was amendable, was submitted to the Senate by the Chair, and the question being put, it was decided in the affirmative.

Mr. DICKERSON then renewed his motion.

Mr. WEBSTER said, in relation to the duty proposed on indigo, that he considered 25 cents per annum too sudden an augmentation, and one which, he thought, would outrun the



production. He should think five cents per annum a reasonable increase, and accordingly moved to strike out 20, so as to make the increase of duty 5 cents per annum; which was agreed to.

Mr. HARRISON moved to amend the amendment, by inserting 10 cents for the first year, 5 cents for the second year, and 10 cents for each successive year, until the duty shall amount to fifty cents per pound.

Mr. BENTON moved a call of the House, as there were three or four members absent from their seats.

Mr. CHANDLER opposed it on the ground that it had never been practised in the Senate; which statement was corroborated by the Chair.

The motion was waived.

Mr. DICKERSON said, although he was willing to allow the gradual increase of the duty to 50 cents per pound, yet the amendment was not what he designed. The advance for the first year was too great, as ten cents on the quantity imported next year would be more than \$120,000. It could not be expected that any indigo would be produced in one year, although it might in two or three years. Yet, although no good would at once be experienced by the agriculturist, the duty falls on the manufacturers immediately. For this reason he should vote against the amendment.

Mr. WEBSTER said, that his difficulty, in relation to this proposition, was only want of information. It had been introduced last night, at a late hour, and no time had been afforded for examination as to the quantity produced, or as to the quality of the domestic article. As to the Bengal indigo, on the way to this country, this duty will have the effect to raise its price in the market, at once. Little benefit will be derived by the planter, while it will lay a heavy tax on the manufacturers.

Mr. BENTON said he was astonished to find the Representatives of sister States refusing to three States a protection which was granted by a monarch: for a bounty had been given by Great Britain when we were her colonies, on this article. The gentleman from New Jersey was now endeavoring to shift his ground, which was always a most dangerous attempt.

To change one's front—whether in military or in legislative manœuvres, was always more or less dangerous. But it now comes out. The article is found now, not to be of sufficiently good quality for the American system. We must have Bengal indigo, which is brought from the British East Indies and Manilla, equally under the influence of Great Britain. So that it now appears that this same system, in relation to which we were formerly told that it was to oppose Great Britain, is dependent on that country; this very Great Britain, which we have been told *de die in diem*, must be opposed by the American system, is to have the preference, in the production of indigo, to our own citizens.

The gentleman from Massachusetts shows

us, by this, that the American system depends on the British Government for its existence. I say, sir, that this is a fair inference. For I have proof which is better than the opinions of gentlemen, however high their stations, but who do not happen to be indigo dyers, that this article can be produced in perfection in this country. I have the authority of indigo dyers for this assertion. But do we want better proof of this, than that the bounty was given by the British Government on American indigo, and that the British factories were built up on American indigo before the revolution? The export, at the commencement of the war, into England, was about the same as the import into this country now. If the present plan is adopted, at the end of 4 or 5 years, the duty will be 20 per cent. It is contemptible—it is an insult to the South. It shows them that they can only receive the benefits of the system far below the rate of protection which is extended to the manufacturer. They are to be allowed 20 per cent. on the article in five years, while the cloths of New England are placed at 70 per cent. instant. Through a variety of questions this motion had been followed up. Even in the agonies of death it was hunted down by the friends of the American system. And now we are told that it will occur too soon—that it must be deferred to a later period. This, then, is the American system, extending to but one or two interests, and leaving others untouched. I expressed a hope last night that the friends of the tariff bill would give the only proof to the South in their power, that they too were included in the American system. It seems, however, that this paltry boon is to be refused. I beg gentlemen to spare their strength, as I have motions yet behind that will require all their energies. It seems to me unconscionable that the manufacturers should desire to grasp the whole 70 per cent. upon their productions, and refuse to do a little for the agricultural community. Now I ask, whether the friends of the American system do not, by their decision upon this motion, show clearly that it depends upon Great Britain for its existence? It is the inevitable conclusion, from their own arguments. They have their choice of the horns of the dilemma—and they have chosen this. The American system then depends upon Great Britain, and she will doubtless cherish it with kindness and affection.

The question being taken on adopting the amendment as amended, it was decided in the negative.

Mr. DICKERSON moved to amend the bill, by inserting a clause laying an additional duty of 5 cents per annum on the pound of indigo, until it arrives to 50 cents; which was decided in the affirmative.

EVENING SESSION.

*Cordage.*

The motion offered by Mr. SMITH, of Mary-

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land, to lay an additional duty of five cents on cordage, was discussed by Messrs. WEBSTER, DICKERSON, and SMITH, of Maryland.

Mr. ROWAN said, that it seemed at first that the duty on hemp would be of no importance to the agriculturist, because it could not be produced in this country. But now it appeared to be of sufficient importance to swell the price of hemp itself, and call for a duty on cordage. He should vote against the motion.

Mr. WEBSTER observed, that the gentleman supposed that this duty would not add a single blade to the product of the domestic article. Yet, it will increase the price of manufactured hemp. And the question is, whether you will purchase the foreign manufactured article, or that manufactured in this country. Does he not see, that, if we lay a heavy duty on raw hemp, it will be a bounty on the foreign manufactured article, unless that is taxed also? Does he not see, that, if we intend to keep the manufacture of hemp alive in this country, we must lay a duty on the foreign manufactured article? He merely rose to make this statement, because he thought the gentleman under a misapprehension of the intention of his motion.

Mr. PARRIS said, that the argument of the Senator from Massachusetts (Mr. WEBSTER) is correct, and ought to have its weight, unless this article be already protected. To show whether that is the case, a statement of a few facts only would be necessary. The existing duty on cordage is \$89 60 per ton. The duty contemplated by the bill on imported hemp, will be \$60 per ton, when it shall have arrived at its ultimatum; thus giving the domestic manufactured article an advantage of nearly \$30 per ton over the same article of foreign manufacture. This would seem to be sufficient protection. If gentlemen think so, they will negative the amendment. Only one other fact need be stated. There is not, now, nor has there been for years, a pound of foreign cordage used on American tonnage. It is imported only for exportation as an article of trade. During the last year, the importation of this article exceeded 1,500,000 pounds; the principal part of which was from Russia, and of course encumbered with the same expense for freight, insurance, &c., as the unmanufactured hemp. The exportation of cordage, for drawback, during the same year, somewhat exceeded that quantity, principally to Cuba, Brazil, and Chili. Mr. P. said, as he was opposed to the increased duty on hemp, he should uniformly vote against any additional duty on manufactures from that article.

Mr. ROWAN said he rose to acknowledge that he had taken an erroneous view of the operation of this amendment. He was convinced, from the statement of the gentleman from Massachusetts, that the effect of the duty on cordage would be beneficial to the hemp-growing interest of this country, and, as he was always ready to admit any erroneous impres-

sion, he should now consider himself bound to vote for the amendment.

The motion was rejected.

#### *Raw Wool.*

Mr. BENTON moved a progressive duty on wool on the skin, to make it entirely prohibitory in four years.

On this motion a debate ensued, in which Messrs. BENTON, DICKERSON, CHANDLER, and HARRISON participated.

Mr. SMITH, of South Carolina, said that he did not rise to discuss the question, but to show that it was idle to go on with the debate at present. Within the last thirty-four hours the Senate had been in session twenty hours, which had been entirely employed in the discussion of the tariff bill—the strikings out, and the puttings in. Such continued labor might do for others, but he had neither the nerves nor the lungs to go farther in this fatiguing business. He considered that it was too much for the human frame. He therefore moved that the Senate do now adjourn.

Mr. WOODBURY moved that the hour of adjournment be noted on the journal; and asked the yeas and nays. The question was then taken and decided in the affirmative.

MONDAY, May 12.

#### *The Tariff Bill.—Raw Wool.*

The bill altering the acts imposing duties on imports, was again taken up; and the motion of Mr. BENTON, to prohibit the importation of raw wool, by gradual advances, so as to go into effect in the year 1832, being under consideration, the question was put, and decided in the negative.

Mr. BENTON then proposed to amend, by inserting a provision, laying a duty of ten per centum per annum on wool unmanufactured, until it shall amount to 50 per centum ad valorem, and 5 per centum afterwards, until it amounts to 70 per cent.

This motion was briefly discussed by Messrs. BENTON, SMITH of Md., HAYNE, and DICKERSON; when the question was taken, it was negatived.

#### *Molasses.*

Mr. BENTON moved that a duty of six cents per gallon, in addition to the duty of ten cents in the bill, be laid on imported molasses, to take effect on the 30th day of June, 1830, so as to make the whole duty on that article amount to sixteen cents per gallon after that time. This proposition he supported in a speech of considerable length, in which he went back to the first proposition under the Federal Government to impose a duty on molasses; and showed that it was then considered as a duty on sugar. This statement he confirmed by a recurrence to the first tariff of 1790, reported by a Committee of the House of Representatives, of which Mr. Madi-

son was Chairman, in which brown sugar was dutied at one cent per pound, and molasses at eight cents per gallon; and the two duties held to be equal, as a gallon of molasses was admitted to be equal in weight, and superior in saccharine matter, to eight pounds of brown sugar.

Both were treated as duties upon sugar; one in its granular, and the other in its fluid state; and the House of Representatives sustained that idea, and voted the two duties as reported. But in the Senate this equality was altered, upon the earnest representation of the New England members, that molasses was used principally for distillation, and not as a substitute for sugar in that section of the Union; and the duty was reduced, under this belief, from eight to two and a half cents per gallon. Since that time this idea has prevailed; and in the enactment of subsequent tariffs, molasses has nearly escaped all duty, while brown sugar has twice been subjected to an advance of duty, and each time to an advance of one hundred per cent. upon its original amount. The tariff, now in force, levies three cents a pound on brown sugar, and only five cents a gallon on molasses; the tariff now under consideration proposes an advance of only five cents a gallon on molasses; and the amendment proposed only contemplates a further advance of six cents, to take effect two years hence.

Mr. B. said that he was induced to revive the original idea of taxing molasses as sugar, by a piece of information which had been given to the Senate a few nights ago by the Senator from Massachusetts, (Mr. WEBSTER,) in the debate on New England rum, in which that liquor was treated as the antagonist of Western whiskey, and the foreign material out of which it was made, was shown to be the rival of domestic grain, and of course entitled to no favor from a legislature professing to be a friend to the American System. That Senator, in the course of that debate, declared, upon this floor, that this was a mistake; that molasses in New England was used principally on the table, and not in the stills; and that of the ten millions of gallons annually imported into that section of the Union, not more than two millions were distilled into rum. This would leave eight millions of gallons, equivalent to sixty-four millions of pounds of brown sugar, to be used as sugar; and shows that the New England statesmen of the year 1790, however correct at the time, were prodigiously mistaken as to the future distillation of molasses; and that this mistake led the Congress since that day, into a great error; an error which has pervaded our legislation ever since, destroyed the equality of the sugar tax, and deprived the Treasury of an immense revenue. But that mistake is now corrected. The important fact is now admitted, that four-fifths of the molasses imported into New England, are consumed as sugar; and the knowledge of this fact suggests grave questions to the American statesman in refer-

ence to our revenue, the equal distribution of our taxes, and the preservation of a market for our domestic sugar and molasses.

Mr. B. would briefly touch these great questions, and leave many of their results to be pursued and developed by the minds of others.

1. *As it concerns the revenue.*—The Treasury, he said, was an enormous loser. Eight millions of gallons of molasses were equal to 64 millions of pounds of sugar; this quantity of sugar, at the present rate of duty, would pay \$1,920,000; its equivalent in molasses, under the existing duty of five cents per gallon, has only paid \$400,000; under the proposed duty in the bill, it will only pay \$800,000; and even if carried to 16 cents, will still pay but \$1,360,000. The result was, that the Treasury had heretofore lost upon this item, \$1,520,000 per annum; that it was destined to lose under the operation of the bill as it stood, a further annual sum of \$1,120,000; and even if his amendment should be adopted, the annual loss would still be \$640,000. This loss, though great, would still be so much less than that now suffered, that Mr. B. would be willing to compromise upon it, and leave to his New England brethren the quiet enjoyment of so great an advantage until the time came round for a general revision of the tariff and an extensive reduction and equalization of duties consequent upon the extinction of the public debt.

2. *As it concerns the equal distribution of the public taxes.*—The tax upon brown sugar is one of the heaviest that is imposed. That article is dutied at three cents a pound, which, with the merchant's profit upon that sum, makes it cost nearly four cents higher in the pound. The aggregate tax for the last three years, shows an average of two millions and a quarter of dollars per annum. This is a tax upon a necessary of life; it is a tax upon an article consumed by the poor; it is a tax chiefly paid by the people of the Middle, Southern, and Western States; for they cannot use molasses as a substitute. Their interior position forbids the extensive use of an article which is spoilt and wasted in a long overland transportation. The commercial tables prove this fact, for while New England alone annually imports ten millions of gallons of molasses, all the rest of the Union put together—the eighteen other States and three territories united, only imported three millions of gallons! This proves the fact that molasses is but little used as a substitute for sugar, outside of New England; it proves the fact that the present great revenue derived from brown sugar is chiefly paid by citizens of other parts of the Union; and it presents the question to the American statesman, how far it is right in itself, how far it is consistent with the principles of our confederacy, how far it is just towards the inhabitants of the Middle, Southern, and Western States, to devolve the burthen of the sugar tax upon them, and relieve the

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New England people from it, by continuing the vast inequality of duty upon the granularly and the fluid state of the article?

Mr. B. here addressed himself directly to a Senator from Pennsylvania, (Mr. MARKS,) who had allowed his feelings, a few days before, to carry him so far as to throw out a very odious imputation on the Committee of the House of Representatives, which had reported the Tariff bill of the present session. That imputation was to this effect: that the increased duty on molasses was put into the bill for the purpose of poisoning it; and preventing the New England members from voting for it. Mr. B. repelled this imputation, as a satire upon the New England members, whose patriotism it would seem to rate so low, and as an unjust and disorderly attack upon members of the other branch of the Legislature; and said to the Senator who had made it, that he would confront him with very eminent authority from his own State, the speech of Mr. Fitzsimmons, a distinguished member of Congress from the State of Pennsylvania, in the year '90, who supported Mr. Madison in his proposal to place an equal duty on sugar and molasses; and supported him on the express ground, that the people of Pennsylvania should not, by his vote, be made to pay more tax on their sweetening than the people of New England paid on theirs.

Mr. B. concluded with a compliment to the vigilance, sagacity, perseverance, and unity of action, which had enabled the New England members, heretofore, to appropriate to themselves all the benefits, and leave to others all the burthens of the different tariffs. He did not blame them for it. Their paramount duty was to their constituents, and they discharged that duty with a zeal and assiduity worthy of all praise. But he should blame himself if he did not profit from their example. His paramount duty was to the people of Missouri; and this duty required his best exertions to protect her staples, and to equalize, if possible, the burthens and the benefits of the present tariff. This was all that he was aiming at, either in the present motion, or in the motions made, or to be made by him; and he wished it to be so understood by all concerned.

The motion of Mr. BENTON was decided in a negative.

#### *Woollen Blankets.*

Mr. BENTON moved to strike out the duty on woollen blankets. In support of this motion Mr. B. observed, that blankets were an article of necessity, required by every body; but mostly by the poorest people. They were also required for slaves, and Indians, and, indeed, no class could do without them. There had always been a distinction between the duty on blankets and other woollen goods, in the various tariffs, on the ground that they were of prime necessity. There was another reason which might be urged for removing this duty. It

was, that the manufacture was not competent to the supply of the consumption of the country, and, as the duty would only benefit a few individuals, while the poorer classes suffered in proportion—as the Senate had refused to put any further duty on wool, he thought it would be but reasonable to take off the duty on blankets. Another reason in favor of this motion, was, that blankets were essential in the Indian trade. At present the British brought them across the lines, while they also introduced their furs into this country free of duty. This was very bad policy: for, had these furs been taxed  $37\frac{1}{2}$  per cent., the revenue would have gained a million of dollars, and our trade have received ample protection. If the duty was continued, it would be a great injury to the revenue, and act, besides, as a heavy imposition on the poorest class of our community. He should be glad if the Chairman of the Committee on Manufactures would give the amount of the manufacture of the article in this country, and its increase since 1824. The duty was not such as was given to the grower, when a paltry protection was extended to him, which was always gradual, but came down *instantly* upon the consumer.

Mr. SMITH, of Maryland, wished to know whether the manufacture had increased since 1824. At that time Congress laid a duty of 25 per cent. on the article, and he wished to know what had been its effect.

Mr. DICKERSON did not think the manufacture had increased to a very great extent. But the country was amply capable of producing the whole of the consumption.

Mr. SMITH, of Maryland, made some further remarks, to show that the duty levied in 1824, had not operated effectually to increase the manufacture of blankets.

Mr. EATON opposed the motion, and read a statement of a Commissary to show the operation of the duties of 1824, on the price of the article, from which he argued, that a beneficial effect had been produced by the duty. The price had very sensibly decreased within a few years, which, he believed, must have been produced by the competition in our country, and the increase of the manufacture.

Mr. SMITH, of Maryland, made a few remarks in reply, attributing the fall of the prices, as was understood, to the reduction, by Great Britain, of the tax on wool imported into that country.

The proposed amendment was negatived.

#### *Furs.—Hemp.—Silks.—Cotton Bagging.*

Mr. BENTON moved to amend, by inserting a provision laying a duty on furs, of all kinds, of  $33\frac{1}{2}$  per cent. according to the value.

Mr. BENTON remarked, that, when he proposed this duty, formerly, it was supposed that it would injure the manufacture of hats. But as one ounce of fur only was now put into a beaver hat, this duty would make but  $8\frac{1}{2}$  cents addition on each hat, while the revenue would

be one hundred thousand dollars. He hoped the manufacturing interest would not spring forward to prevent so important a provision.

The question was decided in the negative.

Mr. BENTON moved to amend the bill in the 3d section, by adding to the duty on hemp "ten dollars per ton, annually, until it amounts to ninety dollars;" which motion was decided in the negative.

Mr. WOODBURY moved to amend the bill, by inserting, "on all manufactures of silk, from beyond the Cape of Good Hope, 30 per cent., and on all manufactures of silk, from countries this side of the Cape, 20 per cent. *ad valorem*."

Mr. WOODBURY said the effect of this motion would be, to leave the duty as it now was, on the manufactures of silk this side of the Cape of Good Hope. But, on those from beyond that Cape, it raised the duty five per cent. At this period of the session, he would occupy the attention of the Senate only a few minutes in stating the probable effect of the amendment, should it prevail. By the change of duty, the whole impost on silks, annually, would be somewhat raised for a time. This might increase the zeal already excited in this country for the culture of silk, and thus tend to encourage enterprise and improve skill. Should the change alter in time our importations, and introduce into the market more of the silks of Europe, and less of those from India and China, till the former entirely engrossed the market, the effect would prove highly beneficial both to our agriculture and navigation. The commercial men in this body were very conscious, that the discrimination in duty of five per cent. between silks from India and Europe, introduced in the tariff of 1824, had very considerably augmented the importations of those manufactured nearest home. Without troubling the Senate with a statistical detail, the year ending in September, 1826, exhibited an importation of almost five millions worth of this article from Europe, and of only a little more than three millions from beyond the Cape of Good Hope. All who heard him, and had reflected on the subject, were aware that the silks from India were paid for mostly in specie, and employed but little navigation directly, while those from Europe were chiefly obtained in exchange for cotton, tobacco, and other staple articles of agriculture, and gave occupation directly to a much larger amount of tonnage. Another effect would probably be, that the duty on some of these articles abroad would be lowered, with a view to reciprocate our friendly discrimination in favor of European silks. From one power especially, and that was France, we might not only hope this; but it would give to her some substitute for the diminution occasioned by other parts of this very bill, in our present trade for woollens from that country. Should any objection be made to an increase of this impost, it might also be replied, it was a tax on what was in some degree a luxury, and chiefly used by the wealthy, while this same

bill taxed very highly a great number of the first necessities of life, used by the humblest classes of society. He would only add, at this time, that the change now proposed was in exact conformity with the recommendation of the Committee on Manufactures, in 1824; and the experience of three years had shown the benefits of the discrimination so fully, that no further argument was wanted, he thought, to verify their recommendation in its fullest extent, and induce us to make the whole discrimination then advised, not only by the committee, but by the Chamber of Commerce in the first commercial city in the Union.

Mr. DICKERSON said it appeared that the object of the amendment was to increase the discrimination. He agreed that the effect had been to reduce the amount of silk imported from beyond the Cape of Good Hope, and he thought that the present duty was producing the change so rapidly, it was not necessary to increase the discrimination.

Mr. WEBSTER rose to make a single remark, as to the operation of the discrimination, and to propose to the gentleman from New Hampshire to fix some period at which the additional duty should commence, or it would operate severely on the merchants whose ships had already been sent to the East Indies for silks. The importers of this description of goods might suffer great loss, unless the amendment were so modified as not to go into effect until a period late enough to save their orders, already sent, from its operation.

Mr. SMITH, of Maryland, made a few remarks in relation to the importance of our trade with France. He considered it to be our interest to be on the best terms with that country, as she took our articles in return—and it was but fair to give to her an advantage in the silk trade, over China, where we were obliged to pay specie—although he had wondered that our merchants did not export cotton to the latter country, as the experiment had been successfully made in one instance, which he mentioned.

Mr. BENTON was decidedly in favor of the proposed amendment. He was in favor of this discrimination, when it was proposed in 1824, and the beneficial effects produced by the discrimination of five per centum, imposed at that time, encouraged him to carry the principle to the point now proposed. At present we got our chief supplies of silks from France, England, and the East Indies. From the latter place, we purchase for gold and silver; from the two former, for the products of our soil. We pay for French and English silks in cotton, rice, and tobacco; and our statistical tables show us that our exports, in these articles, to one of the European powers, France, has increased nearly threefold since 1824. It is the part of a wise and prudent policy to keep that increase on the rise; and the doubling the discriminating duties in favor of European silks, will contribute to effect that object. So much

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for agriculture. On the other hand, the navigating interest will be benefited by the same policy. It takes but little tonnage to carry the gold and silver to China, which brings back, say three million dollars' worth of silks; but it would require at least 80,000 tons of shipping, the freight on which would be worth \$400,000, at a cent and a half per pound, to carry as much cotton to France or England as would purchase the same amount of silks in those countries. Thus the interests of commerce, of agriculture, of the landholder, and ship owner, are both concerned in fostering the silk trade with France and England, in preference to that from beyond the Cape of Good Hope; and every interest is concerned in promoting a trade which consumes the product of the country, in preference to one that carries off its gold and silver.

Mr. WOODBURY modified his amendment on the suggestion of Mr. WEBSTER so as to make its operation commence on the 3d day of June, 1829, and

It was agreed to.

Mr. SMITH, of South Carolina, moved to amend the bill, by striking out the 10th, 11th, 12th, and 13th lines of the 3d section, which embraced the duty on cotton bagging, for which he gave as one of his reasons, the fall in the price of cotton; since the duty had fallen so that it was felt severely by the planters.

Rejected.

#### *Miscellaneous Articles.*

Mr. TAZEWELL moved to amend by striking out the duty on steel, lead, leaden shot, litharge, orange mineral, and sugar of lead.

Mr. T. said, that he had made the proposition for the purpose of making a single remark in opposition to the duty. All the lead mines in this country, of any value, were the property of the United States. It seemed to him an extraordinary policy that the Government should increase the duty for the purpose of adding to its own profits. He had raised the question in order that it might be settled whether it was proper that the Government should tax the people in this manner for its own profit.

The motion was decided in the negative.

Mr. BENTON moved to amend, by levying a duty on oranges, limes, and lemons, as he observed, to protect the products of Florida.

Rejected.

Mr. BENTON moved to amend, by levying a duty of 50 per cent. *ad valorem*, on olives, sweetmeats, and castor oil.

Rejected.

Mr. FOOT moved to amend, by striking out the duty on imported spirits; decided in the negative.

Mr. SILSBEE moved to insert a duty on imported umbrellas. [Mr. S. also presented a memorial of manufacturers of the article, praying for an additional duty.] The motion was not agreed to.

Mr. SMITH, of Md., moved that the date

"30th of June" be stricken out, and the '1st of September' inserted, (the time at which the bill goes into operation;) which was decided in the affirmative.

Mr. JOHNSON, of Kentucky, moved to amend the bill, by adding a proviso, exempting all books, tracts, &c., for Bible and other religious societies, from the payment of the duties on such articles.

Rejected.

Mr. WEBSTER moved to amend the bill by striking out that portion of the 8th section, which points out the duty of the appraisers, and empowers them to fix upon the value of importations independently of the invoices.

On this motion discussion arose, in which it was opposed by Messrs. DICKERSON, BARNARD, VAN BUREN, and SANFORD, and supported by Mr. WEBSTER.

The yeas and nays having been ordered on motion of Mr. VAN BUREN, the question was decided in the negative.

Mr. WOODBURY proposed the following amendment in relation to the duty on molasses: add at the end of 8d section 20th line, the following words: "except such as the holder thereof shall give sufficient bond shall not be distilled; and, on all such, 5 cents per gallon."

Negatived.

The question then occurred on ordering the bill to a third reading, and the yeas having been ordered, it was decided in the affirmative by the following vote:

YEAS.—Messrs. Barnard, Barton, Bateman, Benton, Boulligny, Chase, Dickerson, Eaton, Foot, Harrison, Hendricks, Johnson of Ky., Kane, Knight, McLane, Marks, Noble, Ridgely, Rowan, Ruggles, Sanford, Seymour, Thomas, Van Buren, Webster, Willey—26.

NAYS.—Messrs. Berrien, Branch, Chambers, Chandler, Cobb, Ellis, Hayne, Johnston of Louisiana, King, McKinley, Macon, Parris, Robbins, Silsbee, Smith of Md., Smith of S. Carolina, Tazewell, Tyler, White, Williams, Woodbury—21.

TUESDAY, May 13.

#### *The Tariff Bill.*

The bill making alterations in the several acts imposing duties on imports, was read a third time, and on the question, "Shall the bill pass?"

Mr. HAYNE spoke at length in opposition to the bill, and entered a solemn protest against it, as a partial, unjust, and unconstitutional measure, and concluded by moving an indefinite postponement of the bill; on which the question being taken by yeas and nays, it was decided in the negative.

The question then occurring on the passage of the bill, and the yeas and nays having been ordered, it was decided in the affirmative by the following vote:

YEAS.—Messrs. Barnard, Barton, Bateman, Benton, Boulligny, Chase, Dickerson, Eaton, Foot, Harrison, Hendricks, Johnson of Ky., Kane, Kn'

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McLane, Marks, Noble, Ridgely, Rowan, Ruggles, Sanford, Seymour, Thomas, Van Buren, Webster, Willey—26.

NAVS.—Messrs. Berrien, Branch, Chambers, Chandler, Cobb, Ellis, Hayne, Johnston of Louisiana, King, McKinley, Macon, Parris, Robbins, Silsbee, Smith of Maryland, Smith of South Carolina, Tazewell, Tyler, White, Williams, Woodbury—21.

So the bill was passed, and returned to the House of Representatives, for concurrence in the amendments.

THURSDAY, May 15.

*President Pro Tempore.*

The Secretary having given notice of the absence of the Vice President from the Chair, the Senate proceeded to the election of a President pro tem.; and a ballot having been taken, Mr. MACON was declared to have been elected.

Mr. MACON rose, and returned thanks to the Senate for the honor conferred on him but wished to decline serving.

Mr. TAZEVELL then moved that Mr. MACON be excused from serving as President pro tem. This motion having been agreed to another ballot was taken, and

Mr. SMITH, of Maryland, was duly elected; and, having been conducted to the Chair, by Messrs. MACON and HARRISON, briefly addressed the Senate; making acknowledgments for the confidence which had been reposed in him, and the honor conferred upon him, and which had been entirely unexpected on his part. It was so long since he had occupied the Chair, that his knowledge of the rules of order were, perhaps, less perfect than, from the length of his service in Congress, might be supposed, and he might often ask for the aid and forbearance of his fellow-Senators; but he could assure them that he should discharge the duty of the Chair with fidelity and impartiality.

FRIDAY, May 16.

*Brevet Rank.*

The bill to abolish Brevet rank in the Army of the United States was read a second time.

Mr. WEBSTER expressed a desire to hear the reasons for this measure.

Mr. HARRISON replied, and read a report upon the subject. The number of Breveted Officers in our Army was very great, so much so, that the system was considered an evil by the officers themselves. The bill would have no effect on officers already Breveted, or those who were now entitled to Brevets. He observed that the task which had been imposed on him as Chairman of the Committee on Military Affairs had been a very disagreeable one; as, take whatever course they might, it was not supposed that they could give entire satisfaction.

Mr. WEBSTER said, that the subject was new to him; and he thought it required consideration. As he understood the gentleman the bill

had the same effect on those who had served ten years, as on those who were entitled to the Brevet for the gallantry of their exploits. He saw the difficulty of the subject which had been mentioned by the gentleman from Ohio. It might be, that those who were already Breveted were of opinion, that the system should be done away. But what do those under them say? This wanted inquiry.

The bill was laid on the table.

TUESDAY, May 20.

*Chesapeake and Ohio Canal.*

Mr. HENDRICKS moved to take up the bill to authorize the subscription to stock in the Chesapeake and Ohio Canal Company; which was decided in the affirmative.

Mr. HENDRICKS, in reply to some remarks of Mr. SMITH, of South Carolina, observed that this was not a western measure. Not one dollar would be expended west of the Alleghany mountains. So far from this being the case, by the express language of the bill, the canal was to terminate at Cumberland. This being the fact, it was not fair to argue that they were pressing western measures, in preference to others, upon the notice of Congress. He did not, however, think, as others did, a long series of years would elapse before it would pass the Alleghanies. He believed that, in a few years, the stock of the company would become as valuable as that of the Erie Canal, and that it would be supported by subscriptions from every quarter. It had been assumed that this measure was commenced by Congress. This was not the case, as it had emanated from the Legislature of Virginia, which passed an act to incorporate the company in 1824. Since that period other confirmatory acts had been passed. Mr. H. here detailed the various acts in relation to the object under consideration. He then gave a succinct history of the various surveys, and their results, which were highly favorable to the project. He referred to the result of the Erie and Champlain canals; and expressed an opinion that the stock in the Chesapeake and Ohio Canal would become as valuable as in those works. He considered it highly important, as forming a bond of union between the east and the west.

Mr. MACON observed that he had but a few words to say on this subject. He had said, some time since, that the constitution was dead and gone, and he should not speak of the constitutionality of the measure. He should also say nothing of its effect upon the public debt, because a public debt was now considered a public blessing. He looked upon this bill in the light of a partnership to be entered into by the Government with a number of individuals; and, said Mr. M., before I enter into partnership with a man I should like to know who he is, and what is his standing. I should ask, beforehand, is he able? is he good at the bank? is his reputation fair? But Congress was

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about to go into this partnership without knowing who they are to be connected with. He thought the corporations of the District of Columbia were now sufficiently taxed without going into farther embarrassments. But the Government would have to bear the burthen, as in the case of the Cumberland road, the expense on which would last as long as the Government itself. He had offered a resolution, in the early part of the session, on the subject of that road, but it had never been reported on. He wanted to get rid of the Cumberland road altogether. But it was said that the work could not go on unless Congress subscribed the million; so that it appeared that the whole depends on getting the United States by the hand. They had but a few days since passed a most enormous tariff, which must have some effect on the revenue—to what extent he did not know; but, at any rate, it did not seem to be the time for entering into other grand projects. As to the canal stock in the State of New York, he thought it belonged to the State, and that there were no stockholders, which made quite a different case from this. He knew no other consideration on which it could be supported, but the design to keep up the public debt forever. That appeared to be the object. There were many reasons against the project; but he would only mention Pennsylvania was about to make another canal; Baltimore was about making a railroad which would affect the same section of country through which this canal was to pass; so that they would interfere with the subscriptions to stock in this company, and it would be a long time before subscriptions by private individuals to any great amount, would be made.

He did not believe in artificial regulations to bind together the different sections of the country. They must be bound together by love. A durable public opinion cannot be bought. The moment you cease dealing out the price for this sentiment, it stops. Good will and a fellow feeling must do it. He was sorry to perceive that those who formerly voted with him, and were able to discuss the subject, had, in this instance, abandoned their ground.

WEDNESDAY, May 21.

*Chesapeake and Ohio Canal.*

The bill was taken up, to authorize the subscription to stock in the Chesapeake and Ohio Canal.

The yeas and nays having been ordered on engrossing the bill, on motion of Mr. EATON, it was decided in the affirmative, by

YEAS.—Messrs. Barnard, Barton, Bateman, Bouligny, Chambers, Chase, Eaton, Foot, Harrison, Hendricks, Johnson of Kentucky, Johnston of Louisiana, Kane, King, Knight, McKinley, McLane, Marks, Noble, Ridgely, Robbins, Rowan, Ruggles, Seymour, Silsbee, Smith of Maryland, Thomas, Webster, Willey—29.

NAYS.—Messrs. Benton, Berrien, Branch, Chandler, Cobb, Dickerson, Ellis, Hayne, Macon, Parria, Sanford, Smith of South Carolina, Tazewell, Tyler, Van Buren, Williams, Woodbury—17.

FRIDAY, MAY 23.

*Duty on Wines.*

The bill to reduce the duty on imported wines was taken up in Committee of the Whole.

Mr. WOODBURY observed that he had made some preparation to give a full view of the benefits likely to result from a revision of the present duties on wines, but this was not a period of the session when such a view could be useful. The bill now before us must be taken as it is, and the principles on which it rests be received without discussion, or no time will remain for any change whatever to be made in the existing tariff. He would then merely state the material alterations effected by this bill, and the probable effects, from its passage, on our commerce and revenue. It reduced the duties on Madeira one-half, because it was now so enormous as to have destroyed a large portion of a valuable commerce with that island. This was fully developed in the documents that had been laid on our tables this session, but which there was not time or perhaps necessity now to read. The wines of France and Germany that before paid the same duty with Madeira, were now required to pay only 80 cents per gallon, because the quantity of that description imported was small, and the trade for them mostly a barter trade, highly advantageous to this country. The duty on claret, in casks, was lowered to 10 cents per gallon, but still it was as high, and, indeed, higher, on the first cost of claret, than the duty on Madeira. This last wine had become almost a necessary of life in the southern part of our Union, and an increase of the use of it, by a reduction of the duty, would increase the exchange market for some of our most valuable staples, such as cotton, tobacco, and rice. The changes thus far did not differ very essentially from those contained in the bill which passed the Senate last year. But the next, and, in his view, one of the most important changes, was in doubling the present duty on non-enumerated wines. By the present law it is 15 cents per gallon; last year 12 cents was proposed; by the bill before us, 80 cents per gallon. These non-enumerated wines included something like 88-40ths of the whole importation of wines into the United States during the last three years. Thus, in 1825, the whole quantity was 2,688,640 gallons, of which the non-enumerated wines were 2,073,569 gallons; in 1826 the whole was 2,780,574, and the non-enumerated 2,047,637; and in 1827 the whole 2,767,893, and the non-enumerated 2,043,254. Gentlemen will thus see that only 15 cents per gallon has been paid on about 88-40ths of all the wine imported, while, by the pro-



posed bill, 30 cents per gallon would be paid. This change will not only prevent frauds caused by bringing in wines of high value at a low duty, under names not enumerated in the present tariff, but will tend to equalize the duties much nearer than they now are, according to the first cost of the different kinds of wine.

He would say no more, under the pressure of business now on our tables, except to state that the whole revenue on wines would be increased between one and two hundred thousand dollars by the present bill, provided precisely the same importations took place hereafter, as during the last few years, and provided the calculation be made on the same quantity of non-enumerated wines. The revenue on wine was last year, \$711,790. But compute the duties on the same importations according to the proposed tariff, and without altering the quantity of non-enumerated wines, and the revenue would be over 820,000 dollars. But under this bill, doubtless, the non-enumerated wines will be much less in quantity; and yet the friends of this bill believed the whole importations would be much augmented under its provisions, and the revenue in that way still improved. Considering, then, the probable benefits to agriculture, navigation, and revenue, from the proposed changes, and that it was now too late for any amendment to be safely made, he trusted the bill would meet with little or no opposition.

Mr. CHANDLER said, that the Senate had within a few days passed a bill increasing the duties on articles of necessity. As this was an article of luxury, and was chiefly used by the rich, he was opposed to taking off the duties, either on non-enumerated or on any description of wines. He asked the yeas and nays on the question; which being taken, the bill was ordered to be engrossed by the following vote:

YEAS.—Messrs. Benton, Berrien, Bouligny, Branch, Chambers, Cobb, Eaton, Ellis, Foot, Harrison, Hayne, Johnston of Louisiana, Kane, McLane, Macon, Ridgely, Robbins, Silsbee, Smith of Maryland, Tazewell, Tyler, Van Buren, Webster, Williams, Woodbury—25.

NAYS.—Messrs. Chandler, Chase, Dickerson, Knight, Marks, Noble, Parris, Ruggles, Seymour, Willey—10.

#### *Office of Maj. General and Brevet Rank.*

On motion of Mr. HARRISON, the bill from the other House, to abolish the office of Major General in the Army of the United States, was taken up.

Mr. HARRISON offered an amendment, in substance, to abolish brevet rank.

Mr. WEBSTER said he was disposed to vote against the amendment under any circumstance. Within three days of the close of the session, it seemed improper to insert new matter in a bill from the House, which they had not time to act upon. He saw no difference between sending a new bill to the House, and sending, as an amendment to a bill, a subject which was entirely new to them. The rule was adopted,

that no new bill should be acted upon during this period, to prevent hurried legislation. But this mode would be an evasion of that rule. He was not informed upon the subject, and did not understand it sufficiently to act satisfactorily to himself.

Mr. HARRISON withdrew his motion to amend.

The question occurred on ordering the bill to a third reading, which was decided by

YEAS.—Messrs. Branch, Chandler, Cobb, Dickerson, Eaton, Ellis, Foot, Hayne, McLane, Macon, Noble, Parris, Rowan, Sanford, Smith of South Carolina, Tazewell, Tyler, Van Buren, Williams, Woodbury—20.

NAYS.—Messrs. Barnard, Barton, Benton, Bate-man, Bouligny, Chase, Harrison, Hendricks, Johnston of Lou., Knight, McKinley, Marks, Ridgely, Robbins, Ruggles, Seymour, Silsbee, Smith of Maryland, Thomas, Webster—20.

So the bill was lost.

#### *SATURDAY, May 24.*

On motion of Mr. DICKERSON the joint resolution from the other House, relative to the printing of the two Houses, was considered.

The object of the resolution was explained by Mr. DICKERSON to be to economize space and expense. As the printing was now executed, a whole page was taken up in the title, and the documents had otherwise much blank space, which it was the object of this resolution to save. The printing of the yeas and nays in small letter, and the arrangement of the documents in consecutive order, would contribute very essentially to this object, etc. By correcting this mode of arrangement, they would be rendered more accessible, besides saving a considerable annual expenditure.

The resolution was ordered to a third reading.

#### *Suppression of the Slave Trade.*

The bill for the suppression of the slave trade was taken up.

Mr. HAYNE remarked, that he had yesterday addressed himself to those gentlemen who had charge of this bill, for information as to the large appropriation in the first section, of 30,000 dollars. That information he had not received, and he now asked it again.

Mr. KING said, that this sum had been fixed upon, after a full investigation, by the Committee of Ways and Means, of the other House. On inquiry, he had heard, that the sum was much larger as first proposed; but that the committee had cut it down; and, at its present amount, was not sufficient to send out those slaves already in the country. He trusted that no gentleman would require an exact estimate of the expenses to occur under this appropriation; because it could not be given, as they must depend on unforeseen circumstances. The items could not be anticipated, and the committee took the gross amount, and made the appropriation to cover it. This was the universal

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*Close of the Session.*

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practice, and was perfectly proper, as, if the expenditure was over the amount given, the objects could only be executed as far as it went; and if below, it would remain in the Treasury, to be applied to the next year's appropriation. The money could not be applied to other objects; because proper and legitimate purposes would absorb it. If gentlemen disliked the principle on which this provision was made, the repeal of the general law would meet their object. But he thought this bill should not be obstructed. The provision on the second section for the Marshal of Alabama, was founded on a just claim. He had acted under the general law, and he could not obtain expenses which he had incurred under that law, unless by the bill. He hoped that no objection to the general law would stop the progress of this measure.

Mr. CHANDLER asked whether a report had been received of the mode in which the expenditure for this object had formerly been made?

Mr. KING said, that an account of every item had been rendered. He knew that a certain sum had been applied to the Colonization Society, which was considered an improper appropriation; but that ought not to operate on the passage of this bill.

Mr. HAYNE did not rise to oppose the passage of this bill, but to protest against the manner in which it had been brought before the Senate. It had been presented here with no paper, with no document, with no estimate. They had no evidence to go upon. This was what he objected to. He knew that the gentleman from Alabama was not a member of the committee to which it was referrible; but he had endeavored, without much success, to obtain information. Mr. H. had no doubt that the claim of the Marshal of Alabama was just one; but he objected altogether to the method of introducing the payment of an individual claim into a bill nominally to suppress the slave trade. This amalgamation of objects embarrassed him extremely. He must vote for the bill, or he should aid to deprive the Marshal of Alabama of a compensation to which he was justly entitled. He repeated his objection to this mode of legislation, and said he should vote for this bill; but, said he, if I live to come back to the Senate next year, I pledge myself to take measures to obtain a most rigid examination of the manner in which the expenditure has been made.

Mr. MACON moved to strike out the first section, providing \$80,000 to restore negroes to the coast of Africa.

Mr. CHAMBERS said, that the appropriation was absolutely necessary to carry into effect the object of the law. The gentleman from Alabama had stated correctly the difficulty in making out the estimates for purposes which must be contingent, from their very nature. It was not a case where cost and charges could be computed at the outset. The sum pointed out by reasonable probability, had been fixed upon, and that

had been cut down in the other House. As to the claims of the Marshal of Alabama, the pledge of the Government had been contracted to pay the expenses which he had incurred. He hoped the bill would pass.

The question being then put on the motion of Mr. MACON, it was rejected, and the bill was ordered to a third reading.

#### *Miami Canal.*

Mr. RUGGLES moved that the Senate take up the bill to aid the State of Ohio to make the Miami Canal from Dayton to Lake Erie.

Mr. COBB opposed it, on the ground that there was not time for discussion upon a subject so important. Congress had already given 175,000 dollars this year for roads in Ohio.

Mr. RUGGLES said, that the objection did not come with a good grace, from the gentleman from Georgia, who had consumed much time during the last week. He did not wish to prolong debate, and was willing to take the vote at once upon the bill.

Mr. COBB said, that the gentleman from Ohio had found out that he (Mr. C.) had occupied much time during the week, and he deserved a leather medal for the discovery. In the discussion of the canal bills he occupied no more time than his duty made incumbent upon him. If the gentleman alluded to the Executive business of the week, he (Mr. C.) had certainly not consumed much time in debate in secret session. He repeated his objections to taking up the bill.

Mr. CHANDLER said it was too late to take up a bill of so much importance, and which contemplated a large gift of land to the State of Ohio.

Mr. HARRISON said that, if the gentleman would take the trouble to examine the bill, he would find that the gift of land was to the United States, and would make their lands in the State of Ohio much more valuable. The bill was ordered to a third reading, by

YEAS.—Messrs. Barnard, Barton, Bateman, Benton, Boulogny, Chambers, Chase, Eaton, Harrison, Hendricks, Johnston of Louisiana, McKinley, Marks, Noble, Ridgely, Robbins, Rowan, Ruggles, Seymour, Silsbee, Smith of Maryland, Thomas, Willey, Williams—24.

NAYS.—Messrs. Branch, Chandler, Cobb, Dickerson, Ellis, Hayne, Knight, McLane, Macon, Sanford, Tazewell, Tyler, Van Buren, Woodbury—14.

MONDAY, May 26.

*Close of the Session.*

Mr. WOODBURY moved that a message be sent to the President of the United States, to inform him that the Senate had concluded its business, and to ascertain whether he had any further communication to make; which was agreed to.

Mr. MACON moved that a message be sent to the House of Representatives, to convey the same information; which was agreed to.

SENATE.]

*Adjournment.*

[May, 1828.]

Messrs. MACON and WOODBURY were then appointed a committee to wait upon the President.

*Adjournment.*

A message was received from the House of Representatives, informing that they had appointed Messrs. WRIGHT, of Ohio, and DICKERSON, of New York, as a Joint Committee, on the part of the House, to wait on the President

of the United States, and inform him that Congress was now ready to adjourn.

The committee on the part of the Senate then joined that from the House, and waited on the President, and, shortly after, Mr. MACON, from the Joint committee, reported that the President had instructed them to inform the Senate, that he had no further communications to make to Congress.

The Senate adjourned, *sine die*.

## TWENTIETH CONGRESS.—FIRST SESSION.

## PROCEEDINGS AND DEBATES

IN

## THE HOUSE OF REPRESENTATIVES.\*

MONDAY, December 8, 1827.

The House was called to order by MATTHEW ST. CLAIR CLARKE, Clerk of the House, precisely at twelve o'clock, and the Roll of the House being called over by States, it appeared that there were present two hundred and seven Members, out of two hundred and thirteen, and two delegates from Territories: Whereupon, the House proceeded to ballot for a SPEAKER.

Mr. SPRAGUE and Mr. HAYNES being named Tellers, reported the following as the result of the balloting:

For ANDREW STEVENSON, of Virginia,	104
For JOHN W. TAYLOR, of New York,	94
For P. P. BARBOUR, of Virginia,	4
Scattering votes,	3

ANDREW STEVENSON, of Virginia, having received a majority of the whole number of votes, was declared to be duly elected.

## \* LIST OF MEMBERS OF THE HOUSE OF REPRESENTATIVES.

*Maine*.—John Anderson, Samuel Butman, Rufus McIntire, Jeremiah O'Brien, James W. Ripley, Peleg Sprague, Joseph F. Wingate.

*New Hampshire*.—David Barker, Jr., Ichabod Bartlett, Titus Brown, Joseph Healey, Jonathan Harvey, Thomas Whipple, Jr.

*Vermont*.—Benjamin Swift, Daniel A. A. Buck, Jonathan Hunt, Rollin C. Mallary, George E. Wales.

*Massachusetts*.—Samuel C. Allen, John Bailey, Isaac C. Bates, B. W. Crowninshield, John Davis, Henry W. Dwight, Edward Everett, Benjamin Gorham, ——— Hodges, John Locke, John Reed, Joseph Richardson, John Varnum.

*Rhode Island*.—Tristram Burges, Dutee J. Pierce.

*Connecticut*.—John Baldwin, Noyes Barber, Ralph J. Ingersoll, Orange Merwin, Elisha Phelps, David Plant.

*New York*.—Daniel D. Barnard, George O. Belden, Rudolph Bunner, C. C. Cambreleng, Samuel Chase, John C. Clark, John D. Dickinson, Jonas Earle, Jr., Daniel G. Garrison, Nathaniel Garrow, John L. De Graff, John Halloch, Jr., Selah E. Hobbie, Martin Hoffman, Jeronius Johnson, Richard Keese, Henry Markell, Henry C. Martindale, Dudley Marvin,

On being conducted to the Chair, the SPEAKER addressed the House in the following terms:

"GENTLEMEN: In accepting the distinguished honor which you have been pleased to confer upon me, I am penetrated with feelings of profound respect, and the deepest gratitude, and I receive it as the most flattering testimony of your confidence and favor. The office of Speaker of this House has been justly considered one of high and exalted character—arduous, in relation to the abilities necessary to its execution, and severely responsible and laborious. Its honor is to be measured by no ordinary standard of value. The individual, therefore, who shall fill this chair to his own reputation, and the advantage of the House, must be distinguished alike by knowledge, integrity, and diligence; he should possess an impartiality which secures confidence; a dignity that commands respect; and a temper and affability that disarms contention. From his general character and personal qualities, he must derive a

John Magee, John Maynard, Thomas J. Oakley, S. Van Rensselaer, Henry R. Storrs, James Strong, John G. Stowe, John W. Taylor, Phineas L. Tracy, Gulian C. Verplanck, Aaron Ward, John J. Wood, Silas Wood, David Woodcock, Silas Wright, Jr.

*New Jersey*.—Lewis Condict, George Holcombe, Isaac Pierson, Samuel Swan, Hedge Thompson, Ebenezer Tucker.

*Delaware*.—Kenscy Johns, Jr.

*Pennsylvania*.—William Addams, Samuel Anderson, Stephen Barlow, James Buchanan, Richard Coulter, Chauncey Forward, Joseph Frey, Jr., Innes Green, Samuel D. Ingham, George Kremer, Adam King, Joseph Lawrence, Daniel H. Miller, Charles Miner, John Mitchell, Samuel McKean, Robert Orr, Jr., William Ramsey, John Sergeant, James S. Stephenson, John B. Sterigere, Andrew Stewart, Joel B. Sutherland, Espy Van Horne, James Wilson, George Wolf.

*Maryland*.—John Barney, Clement Dorsey, Levin Gale, John Leeds Kerr, Peter Little, Michael C. Sprigg, G. C. Worthington, John C. Weema, Ephraim K. Wilson.

*Virginia*.—Robert Allen, Mark Alexander, William S. Archer, William Armstrong, John S. Barbour, Philip P. Barbour, Burwell Bassett, Thomas Newton, John Randolph, William C. Rives, John Roane, Nath. H. Claiborne, Thomas

power that will give force to his interpositions, and procure respect for his decisions. He must conciliate the esteem of the enlightened body over whom he presides.

"These, gentlemen, are some of the leading qualifications necessary for this arduous station. I certainly do not possess them. I know my own inability too well to believe that I shall be enabled to meet the expectations of my friends, or discharge the high trust reposed in me, in a manner suitable to its dignity and importance. Bringing with me but little knowledge or experience, I shall, no doubt, often err, and stand in need of your utmost forbearance. Let me hope, on such occasions, you will scan my conduct with candor and liberality, and extend towards me the same kind indulgence which has heretofore characterized your conduct to the Chair. All that I can promise, will be a devotion of my time to your service, and an independent discharge of my duties in a plain and manly way. My gratitude for a distinction so little merited, shall stimulate me to supply, by diligence and application, what I want in knowledge and ability; and, however I may fail in other respects, I shall endeavor, at least, to entitle myself to the suffrages of zeal and impartiality.

"I need not admonish you, gentlemen, of the magnitude of your trust, nor say any thing as to the manner in which it ought to be discharged. We must all be sensible, that, in the deliberations and proceedings of this House, the character and permanent interests of our common country are deeply involved. It was in the organization and purity of this branch of the National Government, (endeared to their warmest affections,) that our fathers believed they had provided the best security for the principles of free Government, and the liberty and happiness of the people. Virtuous, enlightened, and patriotic, this House may justly be regarded as the citadel of American liberty.

"Animated, then, by a virtuous and enlightened zeal, let us endeavor to realize the just expectations of our constituents; and let our proceedings be characterized by a cool and deliberate exertion of the talents, fortitude, and patriotism of the House, as the surest and best means of sustaining the honor, and promoting the welfare and happiness of our beloved country."

Davenport, John Floyd, Isaac Leffler, Lewis Maxwell, Charles F. Mercer, William McCoy, Alexander Smyth, Andrew Stevenson, John Talliaferro, James Tresvant.

*North Carolina.*—Willis Alston, Daniel L. Barringer, John H. Bryan, Samuel P. Carson, Henry W. Conner, John Culpepper, Thomas Hall, Gabriel Holmes, John Long, Lemuel Sawyer, A. H. Shepherd, Daniel Turner, Lewis Williams.

*South Carolina.*—John Carter, Warren R. Davis, William Drayton, James Hamilton, Jr., George McDuffie, William D. Martin, Thomas R. Mitchell, William T. Nuckolls, Starling Tucker.

*Georgia.*—John Floyd, Tomlinson Fort, Charles E. Haynes, Geo. E. Gilmer, Wilson Lumpkin, Wiley Thompson. [One vacancy.]

*Kentucky.*—Richard A. Buckner, James Clark, Henry Daniel, Joseph Lecompte, Robert P. Letcher, Chittenden Lyon, Thomas Metcalfe, Robert McHatton, Thomas P. Moore, Charles A. Wickliffe, Joel Yancey.—[One vacancy.]

*Tennessee.*—John Bell, John Blair, David Crockett, Robert Desha, Jacob C. Isaacks, Pryor Lee, John H. Marable, James O. Mitchell, James K. Polk.

The oath to support the Constitution of the United States was then administered by Mr. NEWTON, (the father of the House,) to the SPEAKER, and then by the SPEAKER, successively to all the Members from the several States.

On motion, it was

*Resolved, unanimously,* That MATTHEW ST. CLAIR CLARKE, Clerk to the late House of Representatives, be appointed Clerk to this House: and that JOHN OSWALD DUNN be appointed Sergeant-at-arms to this House; that BENJAMIN BURCH be appointed principal Doorkeeper, and OVERTON CARR, Assistant Doorkeeper to the same.

A message was received from the Senate, by Mr. LOWRIE, their Secretary, acquainting the House that a quorum had been formed, and that the Senate was ready to proceed to business.

A committee was then appointed, consisting of Messrs. VAN RENSSELAER and EVERETT, to join the committee which had been appointed on the part of the Senate, to wait on the President of the United States, and inform him that quorums of the two Houses have assembled, and that Congress are ready to receive any communications he may be pleased to make.

The daily hour to which the House shall stand adjourned, was fixed at twelve o'clock, M.

#### TUESDAY, December 4.

Mr. VAN RENSSELAER, from the committee appointed to wait on the President of the United States, reported that they had performed that duty, and had received for answer that the President would make a communication to them, in writing, at twelve o'clock this day.

Mr. JOHN ADAMS, the Private Secretary of the President of the United States, soon after came in with the Message. (See Senate Proceedings, page 467.) The Message was read, and referred to a Committee of the Whole on the state of the Union. 6,000 extra copies

*Ohio.*—Mordecai Bartley, Philemon Beecher, William Creighton, Jr., John Davenport, James Findlay, William McLean, William Russell, John Sloane, William Stanbery, Joseph Vance, Samuel F. Vinton, Eliaba Whittlesey, John Woods, John C. Wright.

*Louisiana.*—William L. Brent, Henry H. Gurley, Edward Livingston.

*Indiana.*—Thomas H. Blake, Jonathan Jennings, Oliver H. Smith.

*Mississippi.*—William Hale.

*Illinois.*—Joseph Duncan.

*Alabama.*—Gabriel P. Moore, John McKee, George W. Owen.

*Missouri.*—Edward Bates.

#### DELEGATES.

*Arkansas Territory.*—[Vacant.]

*Michigan Territory.*—Austin E. Wing.

*Florida Territory.*—Joseph M. White.

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*Bank of the United States.*

[H. OF R.]

thereof were ordered to be printed for the use of the House.

WEDNESDAY, December 5.

*The late Mr. Young.*

Mr. WICKLIFFE rose, and addressed the Chair as follows:

Mr. SPEAKER: I have risen to propose the resolution which I hold in my hand, as a testimony of respect due to my deceased friend and colleague. It may be expected of me that I should say something in reference to the character of the man for whose memory I ask of this House an expression of their respect. To those with whom he was associated for the last two years, as a member of Congress, no commendation from me can be necessary. It was in the walks of private life I have known him longest and best, and it was there his virtues and usefulness were most conspicuous. I move you that the House come to the following resolution.

Mr. W. then presented a resolution for wearing the mourning usual on such occasions, in testimony of respect for the memory of the late William S. Young; which was unanimously agreed to.

THURSDAY, December 18.

*Bank of the United States.*

Mr. P. P. BARBOUR submitted the following resolution:

*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of providing by law for the sale of that portion of the stock of the Bank of the United States which is held by the Government of the United States, and the applications of the proceeds thereof to the payment of the public debt.

In offering this resolution, Mr. B. said, he wished to accompany it with a few remarks, not with any intention of now discussing the merits of the measure it proposed, but chiefly with the view of drawing to it the attention of the House, and especially of the Committee of Ways and Means, to which the resolution must be referred. The House were aware that the Government holds at this time stock of the Bank of the United States, to the amount of seven millions of dollars, which stock was at present worth in market about 23½ per cent. advance above its par value. If the whole of this stock should now be sold by the Government, it would net a profit of one million and six hundred thousand dollars above the nominal amount of the stock. Such being the case, he thought it deserved the serious consideration of the House, whether it would not be a prudent and proper measure now to sell out that stock. It had been said, Mr. B. observed, by one of the best writers on political economy with whom he was acquainted, that the pecuniary affairs of nations bore a close analogy to those of

private households—in both, their prosperity mainly depended on a vigilant and effective management of their resources. There is, said Mr. B., an amount of between seventeen and eighteen millions of the stock of the United States now redeemable, and an amount of nine millions more, which will be redeemable next year. If the interest paid by the United States on this debt is compared with the dividend it receives on its stock in the Bank of the United States, it will be found that a small advantage would be gained by the sale of the latter in this respect; since the dividends on bank stock are received semi-annually, while the interest on United States securities is paid quarterly; this, however, he waived as a matter of comparatively small moment. It must be obvious, he said, that the addition of one million six hundred thousand dollars to the available funds of the United States will produce the extinguishment of an equivalent amount of the public debt, and consequently relieve the interest payable thereon, by which a saving would accrue of about one hundred thousand dollars per annum.

The resolution was laid on the table.

THURSDAY, December 20.

*Bank of the United States.*

Mr. P. P. BARBOUR, of Virginia, moved the consideration of the following resolution, offered by him some days since, and now lying on the table:

*"Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of providing by law for the sale of that portion of the stock of the Bank of the United States which is held by the Government of the United States, and the application of the proceeds thereof to the payment of the public debt."

The motion prevailed.

Mr. BARBOUR said, that, at the time he had had the honor of presenting this resolution to the House, he had accompanied it by some general remarks, intended only to convey an outline of those views in which the resolution was founded. Having since understood that it was desired, by many gentlemen, that the policy of the measure it recommended should be discussed without delay, and presuming that the opinion which the House might express at this stage of its consideration, was to be received as decisive of its future destiny, it was his purpose now to go somewhat more at large into the reasons which had induced him to offer this proposition for consideration. But before he presented these views, he would take leave to make one or two passing remarks, which he owed in justice to himself. He had heard it pretty clearly intimated, since the presentation of this resolution—nay, he had seen it so intimated—that this might possibly be what was denominated a measure of the opposition in this House. Some *ambiguous*

voices had reached his ear, which seemed to imply that, in bringing forward this proposition, he had been influenced by some motive, and had cherished some purpose, other than those which had been avowed; and that the measure he advocated, was itself the result of concert, and of an understanding among those who were denominated the opposition members. It was but an act of sheer justice to himself to declare, that, while on every proper occasion, in relation to measures which might be viewed as affecting what were called party politics, he should openly, frankly, and fearlessly, express the opinions which he really entertained, and should, as openly, as frankly, and as fearlessly, pursue his convictions, whether they did or did not coincide with those of others. It never had been a part of his character, or his course, and it never should be, to approach any object he had in view by indirection; his motives he would openly avow; the opinions he held he would frankly express; what he did he would ever do in open day; he trusted he never should learn, as he had not hitherto learned, the by-paths of either moral or political obliquity. He disdained to be influenced by considerations which he was ashamed to avow. He despised the idea of getting at the object he might have in view, in any way but by meeting it in the face, and stating his opinions or his purpose just as it really was. Under the influence of such feelings, he now utterly and positively disclaimed any such motive, purpose, concert, or understanding, as that which had been attributed to him. So far was he from this, that, as far as he had received any intimation of the opinion of those gentlemen, with whose general political principles he agreed, as to the proposition he was about to offer, he knew that some of them were opposed to it. It was no more than justice to himself to say, that the measure proposed by the resolution, be it right or wrong, whether salutary or pernicious in its tendency, was the offspring of his own mind. He had not mentioned it to more, in all, than half a dozen of his friends, and out of this number two disapproved of it.

We shall have fallen on evil times, indeed, said Mr. B., if a member of this House might not in the integrity of his heart, rise in his place, and offer for consideration a measure which he believed to be for the public weal, without having all that he said and did imputed to some hidden motive, and referred to some secret purpose which was never presented to the public eye. He again solemnly disclaimed all such motives, and every such purpose. To what he had already said, he would go so far as to add, that, even in the last annual report received from the Secretary of the Treasury, there was an allusion to the very subject which he had brought forward.

It will not be denied by me, said Mr. B., that a state of circumstances might be conceived to exist, in which an attempt to sell this

amount of United States bank stock would be productive of very considerable depression of its market price. But the question now to be considered by the House is not what might happen under a given posture of conceivable circumstances, but what is likely to happen in the actually existing state of things. The only ground of such depression, if any, must be the large increase of supply, while the same demand, and no more, continues to exist. Such a state of things would impinge upon the general principle I first stated, by altering the proportion between demand and supply. But no such state of things will exist, should the present proposition prevail; for there is, and has been, for these three years past, a diminished quantity of Government stock to be sold, and an increased amount of means to buy it, both occasioned by one and the same cause, namely: the paying off of large portions of the public debt by the redemption of United States stock.

During the year 1825, we paid of the principal of the public debt more than seven and a half millions; in 1826, more than seven millions; and during the present year, 1827, we shall have paid more than six and a half millions more; making in all an amount of twenty-one and about a quarter millions. The Secretary of the Treasury, however, informs us in his report, that five millions of this debt has been paid by the issue of a new stock. It will therefore be proper to deduct this; and the result will be, that, in these three years, there have been actually paid off more than sixteen millions of the public debt. To this let me add, that, according to the statements relative to the sinking fund, and the present condition of the funded debt, there will be paid, in the year 1828, seven millions more; and in the years 1829 and 1830, an amount even beyond this, (being enlarged by the increased activity of the sinking fund, from the circumstance of a large amount now devoted to interest becoming applicable to the principal of the debt.) Reckoning, then, that, during the years 1825, '6, and '7, sixteen millions have been paid, and that, in 1827, '8, and '9, twenty-one millions more will have been paid, here will have been an amount of thirty-seven millions of the public debt of the United States paid off in six years.

Have any violent shocks been produced by this operation? Has any derangement resulted in the financial arrangements of the country? Has United States stock fallen? I apprehend not. And why? For the reason I have stated, and which I now apply to the proposition before us, and from which very extensive consequences necessarily follow, going to show that the effect of the payment of very large amounts of the public debt is not to diminish, but to increase, the price of the residue. When, in the British Government, their sinking fund was established, in the year 1786, it was held necessary to fix a maximum for its

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operation, lest too great an amount of money should thereby be thrown into the market. It will be my endeavor to show that, with us as with them, the effect of paying off the debt produces an abundance of money, and therein an abundance of the means of purchasing the bank stock which the same operation has thrown into the market. While the former owners of the public stock have in their hands money which seeks investment, the sale of the bank stock will furnish an admirable mode by which this may be accomplished. Applying the principle with which he set out, Mr. B. remarked that it would be apparent that, if any depression was to result, it would rather be produced by paying the debt in money than by exchanging it for bank stock. By redeeming the national stock, money, which was before safely invested, is thrown into the market, and naturally seeks some new employment. Now, I propose, said Mr. B., while this is done, to carry into the market an equal amount of stock in which that money may be invested again. Do gentlemen apprehend a depression in the price of stock? Why? Because, say they, there will be too large an amount of it for the money which is prepared to be invested in it. But my proposition, to its whole extent, goes to pay off so much of the public debt, and thereby to furnish the means of purchasing—in addition to which, seven millions more will be derived next year from the operation of the sinking fund. The conclusion, from a view of these facts, would seem to me to be, that it is next to impossible that a depression can be produced in the price of bank stock by an operation which, while it exposes that stock to sale, supplies, at the same time, the means and the inducements for purchasing it.

Mr. BARNEY next rose. He said, when it is recollected that the resolution now under consideration affects an institution, whose capital of thirty-five millions of dollars is used as a circulating medium among the respective States, and between these United States and foreign countries, it cannot create surprise that a universal panic should pervade our commercial cities; for, until this question is decided, United States bank stock is valueless as a means of remittance, more especially to Great Britain, where, as exchange fluctuates, large portions of it are frequently transferred. The argument, based on the supposed profit to be realized from this sale, will be found to resemble statues of marble resting on pedestals of ice—the moment it is ascertained that the Government has dissolved its connection with this national institution, by the transfer of its stock, it is perfectly immaterial what amount of capital may be set afloat by the extinction of the public debt—that confidence which we shall have withdrawn from it, will pervade all money lenders, and, before a sale of one share can be effected, the market price will fall to par. The honorable mover of this resolution frankly avows, that he was originally opposed

to the charter; and that he still continues hostile to its renewal; if his proposition is adopted, will it not be fairly inferred, that the policy which dictated the sale of the stock, is to be maintained by a refusal to renew the charter, and, consequently, the value which the stock in the market derived from an impression that the Government, having an interest in its prosperity, will be favorable to a prolongation of its existence, ceases the moment that sale is decided on. It is asserted that, at the present selling price of stocks, money really produces but  $8\frac{1}{4}$  per cent. per annum; admit this position, and then United States bank stock, producing 6 per cent. on its cost of \$100, ought not to be sold under \$180 per share. Mr. B.'s impressions were, that as it is desirable to pay off, forthwith, the loans paying 6 per cent. interest, the amount, consequently, can readily be obtained at  $4\frac{1}{4}$  per cent. As the bank divides six per cent., a sale of its stock under \$188 $\frac{1}{4}$  per share, would be so much lost in its real value. Mr. B. here asked if the exigencies of the nation required any extraordinary effort to pay off the national debt, the amount of which was nominally 67 millions, in reality but 47? For this identical 7 millions of bank stock, which we hold in exchange for 7 millions 5 per cents issued to the bank, is a set off against that portion of the debt. And 13 millions 8 per cents, (which under no circumstances, was it probable the Government would pay off, while a single internal improvement remained unexecuted, or any taxes were levied upon the people,) there remains but 47 millions to be discharged, which, by the regular operation of the sinking fund, would be extinguished in less than seven years; and, it is not desirable to the creditors of the nation, or to the nation itself, that it should be paid off more rapidly.

Mr. McDUFFIE, Chairman of the Committee of Ways and Means, expressed his thanks to the gentleman from Virginia for his fairness, in proposing this modification. He thought, with the gentleman who had preceded him, that it was important the question should be decided on its merits, and all-important that it should be decided as soon as possible. He thought that, in a fiscal view of the question, the gentleman from Virginia, in laying down his premises, had overlooked the well-established principle that, even in individual competition, where a market is more than supplied with any given commodity, the price of that commodity always falls in proportion to the excess of the supply. He had clearly shown that there existed a surplus capital in the United States, from the Government having paid off sixteen millions of the public debt. This very surplus of money in market, Mr. McD. argued, entered into the price of the stock. If, on the contrary, there was a scarcity of cash in the market, the stock would not bring its par value. As to the fact demonstrated by the gentleman's calculations, that the real value of money in



the United States is at present not more than three and a half per cent.; it had no bearing at all on the present question. Whenever the Government comes into the market, all the principles resulting from the relative state of demand and supply, operate with ten fold power. The Government is a mammoth seller or a mammoth buyer. When the Government comes into the market as a buyer, it raises the price of stock beyond all proportion, as, when it comes in as a seller it depresses it beyond proportion. It was upon this principle, that though money be actually worth, as the gentleman says, only three and a half per cent., the Government when it passed a law to exchange its six per cent. stock for a stock of five per cent., irredeemable at a later period, could not get it; whilst, if the Government were to go into market and borrow, to-morrow, the whole sixteen millions it has paid off, the stock it would issue, would, in two days' time, be at eight or ten per cent. advance.

Mr. McD. said that it was, therefore, always to be regretted that Government should come into market, because its presence there involuntarily produced a great effect upon the market in every way.

Mr. McD. then made some statements to show that refined arithmetical calculations were not proper data in all cases to legislate upon. He presumed that it would be admitted as a general proposition, that the stock of the Bank of the United States is certainly worth as much to Government as it is to individuals. To the latter, its value, regulated upon principles which cannot err, is now twenty-three per cent. above par. If it is of that value to individuals, it is, upon the same principle, of the same value to Government. Why? The Government receives six per cent. interest upon the stock in the bank, whilst it pays only five per cent. on the same amount of its own stock. The difference, therefore, is one per cent., or, on the whole amount of its interest in the bank, seventy thousand dollars per annum clear profit, besides its interest in the balance, which the bank always reserves to meet contingencies. If, then, you sell your stock in the bank, supposing you can sell it at the present market price, you make according to the gentleman's calculation, a present gain of one million six hundred thousand dollars, whilst you annihilate a capital, which will produce to the end of time, if the bank continues to exist, a revenue of seventy thousand dollars a year. But, so far from being able to dispose of the stock at the present advanced price in the market, Mr. McD. believed, that, if this resolution were now to pass, the stock of the bank would be at once reduced to par, in the market, upon mere pecuniary calculations: And why? Mr. McD. here entered into calculations to show the effect, upon the value of the stock, from any intimation of a disposition on the part of the Government to restrict its existence to the duration of its present charter, and traced its

present high price in the market to the general confidence that the charter would be continued. The effect of bringing the Government shares into market, Mr. McD. resumed, would be to reduce the price of the stock to par, if not below par. What, then, would be the effect of this measure?

We sell our stock at par, said he: do we enable ourselves, by doing so, to pay off, as the gentleman supposes, any portion of the national debt? No: for the seven millions we should receive for our bank stock would only go to pay to the Bank of the United States the seven millions we owe for that stock. The only operation which would really and effectually extinguish any portion of the debt of the United States, would be a sale at the profit of one million six hundred thousand dollars, which the gentleman calculates upon, under the erroneous notion that so large a portion of stock would command the present market price. But, if we sell the stock at its par value, as Mr. McD. had assumed that we should do if we sell at all, then, instead of gaining the sum calculated, we should actually lose the identical sum of one million six hundred thousand dollars. For the gentleman had himself shown that the stock was now worth twenty-three per cent. above par: and if it were so disposed of, as to yield only its value at par, the difference would certainly be lost to the United States.

Mr. DRAYTON then rose, and expressed great reluctance to trouble the House, which he should not have done, had a few of the objections to the proposed measure, which he considered of the most weight, been advanced by either of the gentlemen who had preceded him. He agreed that the question was one of great importance, and that it should be speedily disposed of. The arguments of the honorable mover of the resolution were certainly very ingenious; but he had not adverted to what he thought ought to be the primary consideration in a discussion of this nature, and one which was of much greater consequence than any consideration merely pecuniary.

The first question to be settled was, whether or no the proposed scheme would redound to the pecuniary advantage of the United States? That it would do so, constituted, in point of fact, the only argument of the mover; and, if such were the case, and there existed no countervailing objection, the measure should doubtless be adopted. But if, on the contrary, it should appear that the plan was attended with no pecuniary advantage whatever, then, the honorable member himself would confess that it ought to be rejected. The gentleman had made some calculations of profit, which seemed to him, to be sure, very plain; but it would be found, on examination, that, instead of profit the reverse would ensue. The present value of money is four per cent. The Government can obtain whatever amount it wants, at this rate of interest. He did not rely upon the fact that Government could get money at a cheaper

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rate than others; but Canal Companies had actually issued stock at  $4\frac{1}{2}$  per centum, and the premium on that stock reduced the real interest to 4 per centum. This, then, he assumed as the interest at which money could be borrowed, where the security was good. Now, if the Government received, at this period, six per cent. on its stock in the bank, it got an interest exceeding the common rate by precisely 50 per cent. Any other investment of its funds would bring only four per cent. This brings six, so that the Government gets the common interest of money on one hundred and fifty dollars, for every hundred dollars it has invested in this stock. By selling, the Government would lose the difference between twenty-three dollars and fifty dollars on every hundred, supposing the stock to remain at its present advance, so that, admitting the public faith not to be at all shaken by the sale, still a greater benefit would be realized, by continuing to hold it. But there could be no doubt that a very great depression would be produced by the sale of seven millions of this stock. The honorable member from Virginia says that price depends, in all cases, on the proportion between supply and demand. The principle, with some limitation, is, no doubt, correct; but that is not the question before the House. The question for us to weigh, said Mr. McD., is, whether a stock which now sells at one hundred and twenty-three per cent. in consequence of the confidence that the Government will continue to be a stockholder, would remain at that rate when it was known that Government would not so continue. If that is the cause of the present high price, take away the cause, and the stock must fall. How low it would fall, could not exactly be known; it might fall to par—even below it. The consequence of this would be to deprive the Government of a great amount of money, on which it now realizes twenty-three per cent., and by which it might pay a debt of eight millions, by an advance of only six and a half millions. It was perfectly well known, that when once public confidence in any moneyed institution is shaken, the consequent depression is not governed by a settled mathematical rule, but by the feeling and fears of the holders, and it not unfrequently happened, that, by such a panic, the stock which had before been the highest actually became the lowest in market. Mr. D. said, that he thought he had satisfactorily shown, that Government would not be a gainer, but very probably a loser, by the operation now proposed. But it ought to be demonstrably certain, that some gain will result, before we went into a moneyed operation of such magnitude and extent. What possible combination of circumstances could have a stronger effect in depressing the price of any public security, than that the Government, within any known or ostensible cause, should suddenly withdraw all its interest in it. It was a stronger case than had ever existed.

Yet the mere pecuniary calculation of profit

and loss did not constitute the strongest objection to the measure proposed. It was a matter of far more consequence that the character of a nation for fidelity to its contracts, express or implied, should be sacredly preserved, than that it should gain any pecuniary amount whatever. He should not apply the strict rules of ethics, or the doctrines of a common law, to a case like this, but merely the rules of common sense and common honesty. When the charter was given, and the Government agreed to take seven millions (which was one-fifth) of the stock, to receive a bonus of fifteen hundred thousand dollars, to require an annual statement of accounts, to obtain very valuable facilities in the transmission and exchange of its funds, and have all the duties of twenty-four Commissioners of Loans performed gratis, it was surely by no means a strained, but on the contrary, a necessary and incontrovertible conclusion, that the Government was never to place that institution in a worse situation than when its charter was granted. It was under this impression, founded on the mutual advantages derived from the arrangement, both to the bank, and to the Government, that the stock had risen to its present price. If now the Government shall, by its act, shake the public confidence in this institution, it will virtually violate its pledged faith, for the problematical and doubtful purpose of gaining a trifling sum of money.

FRIDAY, December 21.

*United States Bank.*

Mr. BARBOUR's resolution for instructing the Committee of Ways and Means to report a bill authorizing the sale of the seven millions of the United States Bank stock held by the United States, was taken up.

Mr. GORHAM said, the question now before the House had been offered and discussed by the mover mainly, if not solely, on principles of mere finance. It had been argued as a question of money—of national profit and loss. If this were all, it might soon be settled. But if, as it appeared not improbable, this motion was connected with deeper and ulterior purposes and views, of a political kind, it ought to be settled still sooner. If there was something more behind; if any purpose was cherished of making the present pecuniary proposition a mere introduction to a system of measures in relation to the connection of Government with the National Bank, then the sooner such a purpose and system were met the better.

The gentleman had, it was true, advocated the sale of this stock solely as a fiscal operation; but, from his acquaintance with that honorable gentleman's character, opinions, and previous political course, he could not but be strongly inclined to think, that the present measure had more of a political, than a financial aspect, and looked toward a complete separation of the Government from the bank, if not the total

abolition of that institution. As, however, the question had been put on mere fiscal grounds, he would ask the attention of the House, while he offered his views of it as a measure of pure finance.

The honorable mover of the resolution founded his argument on the fact, that the stock of the Bank of the United States stood at present in the market, at an advance of 23½ per cent., and he proposed to go into the market with the whole amount of the stock held by the Government, expecting to sell it at that price, wherever the requisite capital is to be found.

In order to judge the probability of his being able to do this, it was necessary to inquire, in the first place, what were the elements which entered into this advanced price of the stock?

The gentleman had compared the stock of the United States Bank with that of the stocks issued by Government for the payment of the public debt, and which bore the respective interests of three, four, and five per cent., and in this comparison gone on the assumption that the stock of the Bank, at the winding up of its present charter, would be worth its par value.

Mr. G. granted that, during the continuance of the charter, so long as all the operations of the bank proceeded in their regular course, this basis of comparison was a fair one. But if, at the expiration of the limit of the present charter, the concerns of that institution must be finally concluded, it was wholly unfair and fallacious. Did the gentleman really believe, that, at the end of the eight years, (should the charter end, and not be renewed,) the holders of its stock would get the money for it? This was, indeed, the case with the Government stocks; as soon as the period at which they were redeemable arrived, the holders received in cash, at the Treasury, the full par value of whatever amount they might hold. But, when the vast concerns of such an institution as the National Bank were to be wound up, a very different state of things occurred. There would be, to be sure, a contingent fund for the payment of a stock; but of what would it consist? Of cash? Far from it:—of debts, chiefly bad, of property, in short, of all sorts of shapes, and which would require a board of trustees to settle it, after the bank had ceased its legal existence. Long before such a bank reached the end of its charter, it must prepare for that event: it must curtail, and gradually terminate entirely, all its discounts, months before that time: and would its stock feel nothing of the effects of such a state of things. When the old bank expired, were its stockholders instantly paid? So far from this, it was ten years after before the final dividend was declared. And would any gentleman tell him that the stock of such an expiring institution, was as good as stock on which the holder was sure to receive the par value in cash the moment it was redeemable? True, the property, of every kind, held by a bank, belonged to the proprietors of the stock; doubtless it was theirs of right; but it was

theirs, in fact, only when it could be collected: and experience proved that, at the winding up, there always occurred a great loss upon it, if not in money, at least in time, which, to most stockholders, was the same thing. It usually proved a mere wreck and remnant. And so well was this understood, that, when it was known that the charter of the old United States Bank was not to be renewed, its stock, which had stood as high as 140 per centum, fell to 90 per centum in market. As to the condition of the present bank, Mr. G. said it was impossible he should know them: but one thing he did know, and so did everybody else, that great mismanagement of its concerns had at one time taken place, and great losses had consequently been sustained. How such an amount of loss had been covered up, so as to admit of the present dividends, he knew not; but for one, he was inclined to believe that those losses had not, to this day, been recovered from, and that, on examination, it would be found there was still a deficit in the funds of the Bank.

From what he had stated, he thought it must appear that the present dividends made by the Bank did not constitute the only element of the price its stock at present held; but that there was another, and a very important element, that entered largely into it, viz., the expectation that the concerns of the Bank would continue to go on, and that, when the present charter should expire, the institution would still be continued under a new one. This was the general expectation of all who held its stock, of all who bought it. And why should they not, said Mr. G., expect this at your hands? Have you done nothing to create such an expectation? To answer this question, let us look for a moment at the past history of this institution. You have done, and you have undone; you have built up, and you have pulled down; you have made experiments on the want and on the possession of such a thing, until at length, I had believed it was a point conceded, an opinion in which sensible men of all parties were agreed, that such a Bank was a necessary machine in the State—an engine which entered as an elementary part into the operations of a well-ordered Government. I know that doubts are held, and have been loudly expressed, as to the constitutionality of a National Bank: I hold such doubts to be very unfortunate, and am myself free from the least share of them; but I did understand, that even those who believed no provision for such an institution to be contained in the constitution, were themselves obliged, by the pressure of experience and of facts, to acknowledge, that it was an engine, essentially and indispensably necessary to the application of the power of the Government to the public good.

Mr. STEWART rose merely to present one or two objections to this measure, which had not been adverted to by other gentlemen. The great object of the proposition, as avowed by the mover, was, to hasten the extinguishment

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of the national debt, by selling the Bank stock, and thus increase the means of the Treasury to accomplish it. If gentlemen will look at the effect of the sinking fund of ten millions of dollars on the national debt, it will be obvious to every one that, instead of increasing, we shall be compelled to diminish the present sinking fund, and arrest the rapid progress we are now making, which will shortly lead to great financial embarrassments.

What is the situation of the public debt, as exhibited by the Treasury report laid upon our tables a few days since? And what will be the effect of this proposition upon it?

On the first of next month, the whole of the national debt will be	\$87,413,000
Deduct the 3 per cents	13,296,000
Leaves	\$47,117,000

Which could not be redeemed when above 65—they were now at 87, and would necessarily continue to rise in the market as the other stocks were absorbed, and the capital sent abroad seeking investment.

By selling the Bank stock at its present value, \$8,600,000, and applying the proceeds, with the annual sinking fund of ten millions of dollars, to the national debt, it will be found that, at the end of the year 1830, there will remain less than \$2,600,000 of the public debt redeemable; consequently, there must remain idle in the Treasury, of the sinking fund,

In the year 1831, a surplus of	\$7,400,000
1832, " "	5,061,000
1833, " "	11,896,600
1834, " "	18,931,000
1835, " "	23,561,000

These large balances of the sinking fund will annually accumulate in the Treasury, there being no portion of either principal or interest of the debt to which they can possibly be applied. These sums must then remain idle and useless in the Treasury, unless, indeed, the gentleman from Virginia (Mr. BARBOUR) will consent, as I am quite sure he will not, to apply them to the work of internal improvement—to the construction of roads and canals.

The gentleman (Mr. BARBOUR) suggests, in an undertone, said Mr. S., the reduction of the sinking fund. This will be necessary whether the motion of the gentleman be adopted or not.

Excluding the Bank stock and the three per cents, it will be found that, by the operation of the present sinking fund, there would, at the end of the year 1830, be only \$4,356,000 of the national debt redeemable; consequently, there would be—

In the year 1831, a surplus of	\$5,644,000
1832, " "	3,304,000
1833, " "	10,138,000
1834, " "	17,173,000
1835, " "	21,802,000

When the last portion of the debt will be paid off, and this vast balance of the sinking fund will be left on hand.

Such will be the result of the operations of the existing sinking fund, even should the proposition be rejected. These large accumulations of money in the Treasury must occur—it is unavoidable, unless you reduce the sinking fund to \$7,000,000. He had made a calculation by which it appeared that the whole of the public debt (the bank stock and three per cents excepted) would be completely extinguished in 1835, when the last portion of the debt became redeemable, by a sinking fund of \$7,000,000, and leave a surplus at the end of that time of \$185,000; in 1836 seven millions of the bank stock could be paid off if deemed expedient.

By thus reducing the sinking fund to \$7,000,000, \$3,000,000 would be annually released from the public debt, which could be applied to a system of internal improvement, producing the most happy effect upon the national prosperity. It would not postpone the final payment of the debt, but only throw forward the surplus of the redeemable debt in 1828 and '29 upon the years 1831, '33, and '34, when very small portions of the debt would be redeemable; and thus the whole of the sinking fund would be kept actively and profitably employed until the final extinction of the debt in 1835. Hence, Mr. S. contended, whether the proposition be adopted or not, it was the dictate of a sound and enlightened policy to reduce the present sinking fund from \$10,000,000 to \$7,000,000.

But the gentleman from Virginia (Mr. BARBOUR) suggests to me the reduction of the duties. To this Mr. S. said he could not assent; the duties were imposed for purposes of protection, and not for revenue: they were imposed to protect our national industry—to protect domestic manufactures from the ruinous effect of foreign competition. He could not, therefore, consent to their repeal. He would collect the revenue for one important object—the protection of our manufactures—and send it back to the people who paid it, for another equally important object, the improvement of their country.

Mr. FORT said he rose with a view to advocate the resolution, but in doing so, he felt great difficulty and great embarrassment, as he must follow the honorable gentleman from Virginia, who had given to the subject the investigation of a master, and had presented his view of it in so ingenious and eloquent a manner. He thought the argument of that gentleman had not yet been refuted; he had rested his calculations on a mathematical basis, but they had not yet been met: those who had attempted to meet them had not drawn their topics of argument from the deductions of arithmetic, that sure, unerring guide, which never deceives those who rely upon it, nor leads to a false conclusion. The gentleman, said Mr. F., has given a comprehensive view of the whole subject—he has treated it with the skill of a master, and who shall venture to follow him? The subject was confessedly one of great obscurity: it has puz-

zled the wise, and the fool need not be ashamed to confess his ignorance of it. Yet he thought it might be still farther simplified. What was the nature of this institution? when was it chartered? and for what purpose? and what was the condition of the national currency when it first went into operation? The currency was in a broken and confused situation—the various kinds of paper were made payable at short distances of time, and credit was very generally impaired. To remedy this state of things, and to aid the Government in its financial operations, a National Bank was created, with a capital of thirty-five millions of dollars. This amount was thought to be very large, and fears were entertained that so much stock would never find purchasers at its par value. Those who felt these apprehensions reasoned from principles which had been now so ably laid down in relation to the proportion between demand and supply. To aid in the disposal of this stock, the Government took it to the amount of seven millions, and received from the bank a *bonus* of \$1,500,000. (On this subject some dispute had arisen, but it had finally been decided that the bank had a right to give this sum.) What was the result of the experiment? Twenty-eight millions of the stock was thrown into the market in one day. Was there any difficulty in finding purchasers? Did the stock sell? It was a time of great pecuniary distress: did this prevent the sale? The whole amount was bought up almost as soon as it was offered in market. What a comment did this fact furnish on the present fears of gentlemen! When it is proposed to sell, we are told the market will be glutted, and down goes the stock. Nay, as soon as the proposal is heard of, down will go the stock. But can you, at this time, glut a market with seven millions, which so long ago, took twenty-eight millions without the least difficulty? We are told that the value of stock is a moral consideration—that its value depends much on whether the charter is to continue; and that, if this is not likely to be the case, it will be of the less value, because there is a difficulty in closing the concerns of the Bank. But if the holders of stock are under an erroneous impression as to the probability of the charter's being renewed, the sooner they are undeceived the better. Is it not due to them at once to say, that Government is under no obligation to renew it? Certainly. When the period for its renewal comes, those who shall occupy seats in this House shall judge of the propriety of renewing; not from any obligation they are supposed to lie under to renew it, but from considerations drawn from their views of the good of the nation. The gentleman from Massachusetts has told us, that, before the old Bank expired, its stock rose to 140 per cent. by the mismanagement of the institution. If this be so, what security have we, that the bubble will not again burst? What certainty have we, that the present advance of 28½ per cent. is not also the

consequence of some mismanagement? Who are the dealers in stock? and why do stocks rise and fall, so that by their fluctuations, whole fortunes are often swept away? The reason is plain: There are a few persons who know the causes of changes in price, while the great mass of the holders know nothing at all of the matter, and are left to the mere mercy of events. But, if the Bank is really so situated that the nation can know nothing of its concerns, the sooner we get rid of it the better. The nation is a mere stockholder in the Bank, it has, as such, all the rights of any other stockholder, and may sell out its interest whenever it may think it most expedient to do so. But, what right have we to suppose that the holders of the stock do not themselves know its true value? The selling off of our portion of the stock can have, if any, but a very trivial effect. Our selling out of our stock cannot justly be interpreted as a proof that the Government have withdrawn their protection from the Bank; there is no gentleman here who thinks of touching the charter during the period it has to run—and the buyer of the stock knows this. He goes into the market with his wits about him. Do gentlemen suppose that the buyer of this stock is in ignorance of what is transacted here? And why do they suppose he will fear to purchase it; if, while 7 millions of the public stock is taken out of it, by paying so much of the public debt, the same amount is thrown into it by the sale of our bank stock? Surely, by such a transaction, the market will virtually be left as it is at present. I am willing to allow that the stockholders purchased with the understanding that the Government would continue to hold its stock in the Bank. It certainly was not to be anticipated that the Government would sell out during the present year. But the question of its value is a matter of very simple calculation. According to the security of payment, and the rate of interest paid, so will be the price of the stock in market. Our citizens are not going to be deceived. We have thrown enough in the market to test its value, and that value is well ascertained.

Mr. HAMILTON said that, after the discussion which the subject had received, and all that had been said, and so well said, he should not have been disposed to protract, in any degree, a debate, out of which little practical usefulness was likely to arise, if some observations, looking to ulterior consequences of no small moment, had not fallen from some of the gentlemen who had entered into the discussion, which he thought did not belong either to the crisis or to the subject itself. He should, otherwise, have contented himself with a silent vote in the negative, however highly he respected the motives of the mover of the proposition, and have rested the vindication of the vote he was about to give on the unanswerable argument which his colleagues and the gentleman from Massachusetts (Mr. GORHAM) had presented of this subject.

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But gentlemen had not stopped where this question properly ended; the course which they had taken in their argument, had seemed almost to imply, that the decision of the present question had, if not a direct, at least a remote connection with a larger and more important inquiry in relation to the policy of a renewal of the charter of the Bank of the United States. Now, for one, he wished this kept entirely out of view; and he protested, *in limine*, against either the discussion or vote of the House on the proposition of the gentleman from Virginia being considered as an indication of the feelings, much less a commitment of the opinion of this body, to which no such question even indirectly belongs, and which the best interests of the country requires should be an open question, to be decided by those who are to come after us, with a knowledge amplified and corrected by the experience of eight years to come. He was aware that it would be a large, he might almost say a momentous question, perhaps in a period of peace the most so of any which was likely to agitate this confederacy for the next quarter of a century. He was aware that this gigantic institution, the Bank of the United States, would be brought to a strict account; that it would be inquired how it had discharged the high purposes for which it was created; whether it had, indeed, given us a uniform currency, copious and healthful; whether it had equalized the exchange of the country, and had applied, at the periods it was most wanted, a remedy to one of the severest evils that can befall a community at all advanced in civilization and the arts—a decreasing circulating medium. These were questions he, for one, was willing to leave with those who would be called upon to decide them, as well as the vast and complicated relations, constitutional and political, which belonged to the whole topic.

It was true that his colleague (Mr. McDuffie) had expressed his satisfaction that the gentleman from Virginia should have indicated his belief that the charter of the Bank of the United States would be renewed. He, Mr. H., would not say that such a sentiment was not founded on enlarged consideration of national policy, but he would undertake to say this, that, without public sentiment in the State from which they both came, underwent some change, before this question came up for consideration if he and his colleague entertained such opinions then, he rather thought their constituents would be apt to depute some other agents than themselves, to represent their sentiments on this subject, however highly and justly the constituents of his friend and colleague appreciated his (Mr. McDuffie's) public services. The truth was not to be concealed, that in all those States in which the income of the Government vastly exceeds its local expenditures, the operation of the Bank of the United States is felt with more or less severity and inconvenience; on the other hand, in those

States where the Government spends locally a greater part of what it collects, the operation of this institution is not only comparatively innocent but beneficial. South Carolina happens, unfortunately, to be in the former predicament, out of that very condition of things which he had indicated, and, although the Bank of the United States was a mere instrument, it was very natural for those who were writhing under the exhaustion, to find fault with the organ of suction itself, and in the agony arising from taking the medicament not to be entirely satisfied with its sanative influence.

There was another point in this discussion against which he would enter his protest, and that was the influences that were employed from abroad, for begetting an extraordinary sensitiveness in this House that any allusion to the Bank of the United States, and the connection of the Government with it, was a most serious derangement of the financial condition of the country. Some gentleman seemed to think this subject was only to be touched by the practised hand of a fundholder; that a man of plain sense and common honesty was not to approach it; and above all, it was eminently mischievous for the Representatives of the people to entertain such a discussion, or inquire into our interest in this co-partnership, forsooth, because the speculations on 'Change might be suspended for a day or two, and some over-grown stock jobber realize two or three per cent. less than he otherwise would. He knew well that a plethoric fundholder was one of the most sensitive mortals upon the face of the earth; that he considered the barometer of 'Change Alley, of almost as much value as the scriptures; and a fall in the price of stock nearly as severe a calamity as the entire loss of the sacred writings. Cobbett has humorously told us, that nobody can touch a ruffle in the brocade of the Old Lady in Thread-needle Street, as he calls the Bank of England, without giving her a fit of hysterics and setting the whole country in commotion. We seem to be coming to the same state of things. But this is not all: my friend from Virginia cannot introduce a matter involving a mere financial question of profit and loss, without being charged with a party plot of the worst omens.

Now, sir, although this gentleman has quite wit enough to contrive, and quite firmness enough to carry into effect, a tolerable conspiracy on all proper occasions, he has too much honesty to be engaged in any that are not in harmony with the purity and integrity of his whole life; and quite too much wisdom to undertake a conspiracy, without previously providing conspirators, which he seems to have overlooked in this matter; yet, depend upon it, that many an old fundholder, roasting his feet before the fire, will tremble in his flannel for his plum, and no doubt exclaim—there, you see how it is the moment these Jackson

men have got possession of the House; away goes the Bank of the United States "sky-high," and we shall next see the "military chieftain" after his election, making his way, sword in hand, into the vaults of the Bank, and seizing its coffers as his especial portion of the booty after the strife and victory. Be quiet, gentlemen. Be assured we do not mean to run our heads against the Bank of the United States—and this our vote will show.

But, sir, to be serious, I am far from thinking that it is an evil to those who permanently invest in the stock of the United States Bank, to know that the policy of that Institution may sometimes be discussed here, however prejudicial it may be to the interest of those who speculate in its scrip.

If our silence at any time when we ought to speak gives an artificial appreciation to this stock, it is the widow and the orphan, and those who are the victims of their own ignorance and the knavery of others, who suffer, and who will be sure to suffer, if any false deductions are made from the sentiments which the House is about to pronounce on the single proposition before them.

That I am opposed to the resolution of the gentleman, I need scarcely repeat, and for reasons which are at once connected with considerations that carry with them somewhat the force of a moral obligation; reasons which were stated with unanswerable force by my colleague, (Mr. DRAYTON,) which may be comprehended in a single sentence, to wit: that it entered into the consideration of the 1,600,000 dollars which the Bank paid the United States as bonus, that this co-partnership should continue during the duration of the charter.

I say, then, let this institution go on unembarrassed by either our fears or prejudices; let it enjoy all those advantages for which it was honestly and faithfully paid a full equivalent. And whilst we are provident of the present, let us be uncommitted as to the future.

Mr. WEXMS said he had yesterday opposed the motion for adjournment from his anxiety to see the question disposed of, and had not intended to say a word in the debate; but since it had been discussed to day, it had presented itself to his mind in a double aspect. One of these views had been, in a great measure, anticipated, by the gentleman from South Carolina, who had just taken his seat; he would therefore curtail what he had intended to say on that head. He joined heartily in the protest against any pledge being derived from the decision of the present question, as to what this House would do when the question of renewal of the Bank charter should come before it. He held that the House would be under no obligation derived from this source, but perfectly free and unfettered as to granting or refusing. He was opposed to the resolution; not, however, because he held the sale of stock to be any violation of a contract with the Bank. The contract of Government with

the Bank contained two specific obligations; first, that the Government shall supervise the manner in which its affairs are conducted. This stipulation was separate and independent; it was introduced because the United States were to make all its deposits in this Bank. But a second stipulation was, that the Government should have a share in the direction, as it continued bound to superintend also the liberties and interests of the American people. Should a mammoth institution like this be left without any special guardianship or control, it might possibly become an instrument in the hands of some ambitious aspirant to put a crown upon his head and ruin the freedom and happiness of his people. The next stipulation was, that the United States should hold one-fifth part of the stock of the Bank. As a stockholder, however, she has clearly a right to sell out whenever she shall deem it expedient for her fixed interest to do so. We are told in the volume of truth, "all things are lawful to me, but all things are not expedient." The sale was lawful, but he was opposed to it as not being expedient—and of this he did not despair to convince the gentleman from Virginia from the arguments he had himself employed. That gentleman had shown that the price of the stock depends upon the abundance of the means to purchase it, and the difficulty of other investment, and had correctly insisted that if while United State stock is diminished by redemption of the Public Debt, the means of other investments are supplied by throwing so much Bank stock into market, no great difference in the state of the market was justly to be apprehended. There might perhaps be a temporary depression in the price of this stock, but it would be only temporary and transient; to so much of the gentleman's argument he entirely agreed. Another point of the argument was, that, in proportion as the Public Debt was paid off, the opportunities of investment enjoyed by the public creditors, ought to be increased. This also was true as a general position. But were they not abundant, and daily increasing? This was a moment of vast speculation in undertakings of all sorts. The stocks in market were almost innumerable: Manufacturing associations, canal companies, road companies, &c., &c., were all competitors for the loose and floating capital of the nation. This was, therefore, a most unpropitious moment at which to offer our stock for sale. The modes of investments were already possessed—and, according to the gentleman's own doctrine, in relation to demand and supply, the stock could not be expected now to hold its price. But should Government wait till these several stocks were in a good degree taken up, the United States Bank Stock might be offered with much better prospects of a profitable sale. Instead of 28 per cent., it might then bring 50, and even 60 per cent. advance.

"The Question" was now loudly demanded from all sides of the House.

DECEMBER, 1827.]

*Old Sedition Law.*

[H. OF R.]

Mr. BARBOUR rose to make some concluding remarks:

As to the general principles which had been advanced on the other side, he would not detain the House save by a single remark; and that was, that if he could for one moment believe, that, by introducing the present measure, he was in the remotest manner touching the pledged faith of the nation, the resolution would have fallen still-born from his hand. That faith which holds together the moral as well as the political world, he would never violate. Complaints had also been made, that, by effecting such a sale, the Government would treat the Bank unjustly. This, also, was what he would never be guilty of; but was this complaint well founded? Gentlemen spoke of the great advantages conferred by the Bank on the Government, and speak as though we were under obligations of gratitude to that institution. Obligations of gratitude! And are we, as stockholders, to be bound on this consideration? The benefits have at least been fully reciprocated. Nay, the deposits alone of the immense funds of the nation were an abundant compensation. We place in the hands of this institution an annual amount of twenty millions of dollars. Now, it was perfectly well known to all persons conversant in banking operations, that cash in the vaults of a bank forms almost as efficient a fund on which to proceed, as the stock itself. It is true this amount is liable to be called for by its owners at any moment: but it generally happened that, while sums were drawn out by some, they were deposited by others, and that one so nearly balanced the other, that the specie in the vaults had very truly been said to change its owners much more frequently than its place. The Government, too, can borrow money at five and four and a half per centum, and might even get it at four per centum. The Bank had secured by its charter the important privilege of receiving six per cent. interest on all the notes discounted by it, which privilege was secured for twenty years. And though the rate of stock may be diminished by the mismanagement of the institution, that is not to be charged to the Government, and does not enter into the consideration of gratitude. Besides, this Bank is a kind of monopoly of the advantages derived from Government: for the Government is bound to charter no other Bank within the United States, unless in the district of Columbia. Mr. B. concluded, with declaring that though he would never be the conscious instrument of violating in any manner the faith of the Government, he did not think that the Bank could make any just complaint so long as it continues to get more than an equivalent for all the advantages ever derived from its institution.

The question was then taken on the adoption of the resolution, yeas 9—nays 174.

So the resolution was rejected.

MONDAY, December 24.

*Old Sedition Law.*

Mr. HAMILTON submitted the following:

Whereas a law was passed by the Congress of the United States, approved on the 14th July, 1798, entitled "An act in addition to an act for the punishment of certain crimes against the United States;" which said act is commonly known by the name of the Sedition law;

*Be it resolved,* That the said law was a violation of the Constitution of the United States, by "abridging the freedom of the press."

*Be it further resolved,* That, as several persons were indicted, convicted, and suffered in pecuniary penalties under this law, that the Committee of Ways and Means be directed to report a bill which shall make full provision for refunding to the said persons the amount, with lawful interest, of the fines which they may have paid to the respective Marshals of the District Courts empowered to levy and receive the same. And in case of the death or the absence from the United States, of any of the said parties, then to their legal representatives, or such person or persons as may be duly authorized to receive the same.

Mr. HAMILTON said, that he did not rise for the purpose of asking the House to consider, at the present moment, the resolutions which he had just had the honor of submitting. His object was rather to indicate the time at which he should ask such a consideration: for he was aware that the resolutions covered too much ground, and involved too many delicate considerations, both of principle and expediency, to be precipitately discussed.

He hoped that, as an act of justice which he owed to himself, he might be permitted to avow, that, in moving in this matter, he was influenced by no desire to make the past subservient to any purpose of contemporary excitement. The resolutions were introduced because he believed that the parties who had suffered in pecuniary penalties under the Sedition Law, were just as much entitled to have the fines which they had paid refunded to them, as an ordinary suitor in a Court of Justice was to have a sum of money refunded to him which he had paid, either through fraud or mistake, and, in his humble opinion, the only effectual mode of offering a fit atonement for the violation inflicted on the constitution, by the passage of the Sedition Law, was to make full indemnity to those who had suffered by its enforcement.

The question was one purely of abstract justice and constitutional law, and, as such, he desired to present it. He challenged the fullest discussion and freest opposition, and had no hesitation in declaring that, if, in the light which the debate was calculated to elicit, he should be convinced that he was sustaining, on principle, an untenable position, he would be the first to relieve the House of all further trouble in regard to the resolutions, by moving to withdraw them. But, believing precisely the reverse, all he asked was an equal frankness



on all sides of the House, that the question might be met, not blinked or shunned, and finally, openly, and manfully, set at rest forever.

He would, therefore, for the present, move that the resolutions be printed, and lie on the table, and it was so ordered.

THURSDAY, December 27.

*Revolutionary Land Warrants.*

The following resolution, submitted by Mr. MINER, was taken up and read.

"Resolved, That the Secretary of War be directed to lay before this House a statement of the number of Military Land Warrants due to officers and soldiers of the Revolutionary war, which remain in his office uncalled for, designating the number of warrants and quantity of land due to the line of each State, respectively. And that he also state what number of such warrants have issued from the War Department within the last five years."

Mr. CONDIOT suggested a doubt of the prudence of such a measure as the resolution proposed. If the information sought for was to be published, the interests of those whom the gentleman wished to benefit would be exposed to injury, and a scene of speculation take place such as every one would deprecate.

Mr. MINER observed, that the names of persons entitled to Military Bounty Lands were not asked for by the resolution, and would not, of course, be given. The information sought was, the number of warrants due to each Line on the Continental Establishment, and the number of warrants issued during the last five years. At the last session, Mr. M. said, he had taken occasion to draw the attention of the House to this subject; and on his motion a resolution was adopted, authorizing a committee to inquire into the expediency of extending the time for soldiers to apply for their warrants. A bill was reported, and a law passed for that purpose. At that time he learned and stated the extraordinary fact, that there were no less than six hundred land warrants due to the Pennsylvania line alone. The presumption was a fair one, that there was a proportionate number due to the line of every other State, existing at the Revolution; in the aggregate making some thousands of warrants, embracing some of the first lands in Ohio. In this point of view, it would be seen to be a matter of considerable importance. My purpose, said Mr. M., in asking information in this precise form, was to attract the attention, and awaken the interest of many members, to the subject. Each gentleman, from the old thirteen States, seeing the number of warrants still due to his own State, would, of course, feel a more lively interest in the matter, than he would do to learn, merely, the aggregate number of warrants due to the whole army. As it regarded Pennsylvania, he felt a deep interest in the subject; six hundred military land warrants, distributed among her old soldiers, or their

representatives, would carry comfort to many a cottage. It was their due. It was the price of their toil and blood, and ought not, in his opinion, to be withheld from them longer. No private individual would feel justified, if he had title papers, or property of another in his possession, of which that other person was ignorant, in remaining silent, and keeping possession, because the owner did not ask for that which, though his own, he was ignorant of. No, sir, an honest man would take pains to inform the rightful owner—to bring home to him a knowledge of his rights. Mr. M. thought it our duty to do so. It could be rationally accounted for, that such a large number of land warrants remained due, only on the supposition that the persons owning them, were ignorant of their just claims: near half a century had passed away; the soldiers living were old and poor; it was time knowledge, and thereby justice, should be brought home to them. That it was ignorance of their rights prevented application for their warrants, was partially proved by a fact which had been stated to him. A gentleman in Maryland, highly respectable and intelligent, did not obtain a warrant due him, ever since the Revolution, until within three or four years accident having brought him to a knowledge of his right. If intelligent men were ignorant, the poor and unlettered soldier might be presumed also to be uninformed of his just claims. Should this resolution pass, said Mr. M., and the information sought be obtained, it was my intention to propose another measure, that is, to give information in every State of the names of persons entitled to land warrants. But heretofore the War Department had, and very wisely, kept such information to itself, lest speculators should purchase up the soldiers' rights for a mere trifle, and obtain all the benefits themselves. If information should be publicly given, this must be effectually guarded against. To provide such safeguard, at the same time that information, without which the soldiers could never obtain their rights, was a part of his plan. He would provide by law that no transfer should be valid for five years, nor then, unless approved by the Governor of the State where made, as the guardian of the soldiers' rights. With such provision, he thought the name of every person entitled to a warrant might safely be made public. But this matter for future consideration. No such publication was now contemplated—no such information was now asked for. The information sought by the resolution could neither benefit the speculator, nor injure the soldier. It would be general, and of a character he thought useful and proper.

Mr. McCox opposed the resolution, as likely to be productive of more harm than good. Should the Secretary of War publish the names of these warrantees, it would lead to something worse than speculation; it would produce fraud and forgery. He could not see the use of call-

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*Removal of Indians.*

[H. OF R.]

ing for such a list. It may be inspected by any member at pleasure, on the books of the Department. Let gentlemen examine it there, and if they found the names of any of their own constituents, they would convey the information to them in a private manner, and thus avoid the dangers which would necessarily attend a publication of the names to all the world.

Mr. WRIGHT, of Ohio, presuming the gentleman who moved the resolution was not aware that a similar call had been made a few sessions ago, called his attention to that fact; and, referring him to the documents then received from the Department, moved that the resolution lie on the table, at least till the gentleman could have an opportunity of examining them.

The motion prevailed.

THURSDAY, January 8, 1828.

Mr. BELL moved the following:

*Resolved*, That the Committee of Military Affairs be instructed to inquire into the expediency of establishing an armory on some point on Harpeth River, in the State of Tennessee.

Mr. BELL, of Tennessee, said, as the resolution was intended only to direct the attention of the Committee on Military Affairs to the subject embraced in it, he did not present himself before the House for the purpose of making any general remarks upon the expediency of establishing an armory upon the Western waters, nor with any view, in detail, of the grounds upon which he would urge the situation of that particular district of the West, for such an establishment designated in the resolution. But, said he, as in offering it, I do not intend to pay a mere compliment of the season to the interests of that section of the country which I have the honor to represent, I beg leave now to state, that, if the subject shall be thought of sufficient consequence to engage the serious attention of the committee, (and, in my judgment, it deserves a place in their deliberations,) I expect to be able to show, that the country upon the lower branches of the Cumberland, and upon the south side of it, combines all the advantages desirable in a site for an extensive manufactory of arms, common to those places, which have hitherto been brought to the notice of this House, under more favorable auspices. I expect also to show, that this part of the country possesses other advantages which are peculiar and exclusive; and I will, in due time, take the trouble upon myself of embodying the information necessary to this effect.

That I may not be thought too sanguine in my estimate of the condition, both national and adventitious, of the section of country alluded to, permit me to state one fact, which, I am sure, our Atlantic brethren will not be unconcerned to hear. Within the last four or five years, the manufacture of bar iron in Mid-

dle Tennessee, has increased in such a degree, that the produce of the works upon the Juniata, which formerly found an extensive and profitable market in that country, is now rarely to be met with in our shops, and the Swedes iron, which, though the product of the industry of another hemisphere, and burthened, as it is, with duties, has been afforded in our market lower than the Juniata, is also fast disappearing. In truth, however ill-adapted the population of that State may be to other manufactures, that of iron must flourish, both by reason of the superior quality of ore which abounds there, and the diminished, and still diminishing value of that kind of labor which is almost exclusively employed in reducing it. In the same tract of country, water power susceptible of application to all kinds of machinery, exists to every necessary, and even desirable extent. Fossil coal, too, is found upon the banks of the Cumberland, and, as the means of transportation by water, to every point upon the Mississippi and its branches, at this time accessible from other quarters, are not restricted from this point, I am persuaded it will be found, upon inquiry, that no greater mistake could be committed, than to suppose, either that the principal materials consumed in an armory, or that all the essential articles of subsistence could not be afforded upon as low terms there, as at any other place in the Western country. There are other considerations connected with this subject, which, in my opinion, should give this point on the Western waters a decided preference over those which seem to have been more attended to; but these I will not now urge, nor even mention. Such a course, I apprehend, would be likely to provoke an immediate discussion, which would be premature, and might be useless. The suggestions already thrown out, are designed not so much to make any impression upon the House, as to elicit a full inquiry on the part of the committee, and the character of the gentlemen placed upon that committee, gives me the assurance that the proposition contained in the resolution will receive a candid and impartial examination.

The resolution was agreed to.

FRIDAY, January 4.

*Removal of Indians.*

Mr. HAILE said, that he had some days since laid on the table of the House a resolution in reference to the removal of the Choctaw and Chickasaw Indians, which he desired now to call up for consideration.

The resolution was read as follows:

*Resolved*, That the Committee on Indian Affairs be instructed to inquire into the expediency of making an appropriation to enable the Choctaws and Chickasaws to explore the country beyond the river Mississippi, and to provide the means for the support of such Indians who are disposed to emi-

grate, and are willing to embrace the benevolent objects designed by the Government.

To this resolution Mr. SMITH, of Indiana, offered an amendment, when it was before the House on the 11th December, to include the "Pattawattamie and Miami Indians," and the question recurred on this amendment.

Mr. McLEAN, of Ohio, (Chairman of the Committee on Indian Affairs,) stated that the committee had the subject of that resolution now before them, and were preparing a report upon it, which they intended shortly to present to the House.

Mr. HAILE observed, that his resolution had, he believed, been offered previously to any other, on the general subject of the removal of Indians, and he had been told by those gentlemen who had offered amendments to it, that they would consent to withdraw those amendments, in order that his might be considered separately. The honorable Chairman of the Indian Committee was not, he apprehended, fully acquainted with the situation of the two tribes to which his resolution referred. In 1820, there had been guaranteed to the Chickasaws and Choctaws, by the Government of the United States, a large tract of land west of the Mississippi; but, since that treaty, no steps had been taken to carry this pledge into effect. On the contrary, 8,000 whites had encroached upon their territory, and were driving them back, at the same time that every inducement had been held out to them by the Government, to obtain their consent to emigration. Under these circumstances, the tribes referred to, had peculiar claims on the attention of the Committee of Indian Affairs, and he wished that committee to report to the House, whether, in their judgment, the tract guaranteed by the treaty, was to be given, as it had been promised, or some other tract in lieu of it.

Mr. SMITH, of Indiana, having no objection to the object of the resolution, and not being desirous of throwing any obstacles in the way of its adoption, withdrew the amendment to it which he had before offered.

Mr. FLOYD, of Va., believed this was the first time an appropriation had been asked from this House to enable Indians to go into the wilderness to explore it. He had thought that the object of the system adopted by the General Government, with respect to the Indians, was to civilize those people, and to get them out of the wilderness. As the reverse, however, seemed intended by this resolution, he was opposed to its adoption.

Mr. HAILE said, that Government had made a treaty by which they were bound. If solemn treaties were to be considered as of any avail, and the Government meant to act in good faith, these Indians ought to receive what had been promised them. It was with a view to this end, that he had offered the resolution.

The resolution was adopted.

### *Coast Transportation of Slaves.*

Mr. MITCHELL, of South Carolina, offered the following resolution:

*Resolved*, That the Committee of Ways and Means do inquire into the expediency of repealing so much of the 16th section of an act to prohibit the importation of slaves into any port, or place, within the jurisdiction of the United States, etc., as requires that the owner or captain intending to transport a slave, coastwise, from one port to another, in the same State, shall previously deliver to the Collector a manifest, specifying the name, age, etc., of said slave, and swearing that the said slave had not been imported since the year 1808, and that he was held to service by the laws of the State.

Mr. MITCHELL said that, without some explanation of the facts referred to, the resolution must be, in a great measure, unintelligible. In 1807, Congress, in pursuance of a clause in the constitution on that subject, passed an act suppressing the slave trade. The 10th section of that act required that, when a slave arrives in any part of the United States, in a vessel of more than 40 tons burthen, the captain and owner must unite in an oath that the slave had not been imported since the 1st January, 1808. This ceremony was accompanied with fees to the collector of \$1 50, and if the parties failed to comply with this requirement of the act, the vessel was to be confiscated, and the captain to pay a fine of \$1,000. At the time this act passed, these requirements were wise and proper; because, at that time, our whole coast swarmed with vessels engaged in the slave trade; but the object of this and other acts had been fully accomplished, and that trade might now be pronounced, so far as we were concerned, to be completely suppressed. The last accounts received from our station in Africa, declared that the English and American branches of the trade had ceased. All those formerly engaged in it, had, by the severity of our laws, been expelled from the country, and no such trade was now carried on in any part of our coast. The act to which he referred, therefore, while it imposed a very severe tax on the people of the South, was, under the present state of things, productive of no benefit whatever. Its operation was harassing and oppressive. If a gentleman wished to go with his servant from Charleston to Beaufort, the captain is under the necessity of giving, in his manifest, an account of that slave. His oath, and that of the owner, must be submitted to the collector, though that officer should know ever so well the fact to be substantiated; and, if a gentleman sends his slave up and down, fifty times in the course of the year, the same ceremony must be gone through. This is trouble and expense, without any useful end.

Mr. M. said, that, though he was himself a slaveholder, he was as warmly and sincerely opposed to the slave trade as any gentleman from the Northern States possibly could be.

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and could he be convinced that such a provision as this was necessary to the putting down of that traffic, he would be the last man to oppose it; but he was convinced that it was wholly unnecessary, and as it interposed a vexatious embarrassment in the intercourse between the Southern States, he was desirous of seeing it repealed; but wished to obtain the opinion of the Committee of Ways and Means on that subject.

Mr. MERCKE said, that, without intending to express any opinion upon the subject of the inquiry which the gentleman from South Carolina was desirous to institute, he could not refrain from correcting the erroneous impression which he seemed to have formed, that the slave trade was abolished. On the contrary, he believed that it was now carried on to as great an extent as at any former period of its history; and to some extent, though precisely to what, by American capital, he would not undertake to determine.

The resolution was then adopted.

#### *Canal in the Territory of Michigan.*

Mr. WING offered the following:

*Resolved*, That the Committee on Roads and Canals be instructed to inquire into the expediency of appropriating a sum of money for examining and determining upon a suitable route for a canal across the peninsula of Michigan, to connect the waters of Lake Michigan with those of Lake Erie.

*Resolved, also*, That the same committee be instructed to inquire into the expediency of appropriating, for the purpose of making said canal, tracts of land on each side of said route, equal in quantity to those heretofore granted for constructing the Illinois and Indiana Canals.

Mr. WING said that, as the importance of the resolutions might not at once be apparent to the House, he would ask the indulgence of a moment, whilst he briefly stated a few of the reasons which have indicated the propriety of the present inquiry. The difficulties and dangers which attend the passage of our northwestern lakes; the exposures to which the lives, the health, and the property of individuals, as well as the property of the Government, are subjected; the frequent losses which are sustained, both by the public and by individuals, in encountering a navigation of nearly eight hundred miles in extent, from the head of Lake Erie to the head of Lake Michigan, which is difficult, if not dangerous, even in the most favorable seasons of the year; indeed, the utter impracticability of navigating some of our most northerly lakes and straits, during the winter months, Mr. W. said, all conspired to render it an object of no inconsiderable moment, not only to the inhabitants of that country, but to the Government itself, to effect as speedily as possible, a safe channel of communication across the peninsula of that territory.

This object once accomplished, together with that of the Illinois Canal, for the construction

of which the Government has already made a large, if not an ample provision, you not only avoid the necessity, in time of war, as well as peace, of transporting every description of property, destined for the supply of your northwestern and western ports, through a long chain of narrow straits, which bring you within musket shot of the British shore; as well as the dangers of a boisterous lake navigation, to which I have just adverted; but you have at once a safe and easy inland communication, upon nearly the whole line of your northern and northwestern frontier, extending from New York to the Mississippi.

I present this subject, Mr. Speaker, the more confidently, because it is not trammelled by those constitutional objections which have been heretofore urged against similar propositions from the States. The whole route of this contemplated canal is within the limits of a territory, over which the United States exercise the exclusive sovereignty; and within which the United States are the principal owners of the soil. To such as may not have adverted to the subject, who are not intimately acquainted with the geography of that country, and the facilities with which the object may be accomplished, the item of expense might, at first, seem to be an objection. Careful examinations, however, have been made by a number of our most scientific and intelligent citizens, who hesitate not to say, that a canal may be constructed across that peninsula, at less expense than any one of similar extent which has ever been attempted in the Union.

If, therefore, to facilitate the intercourse between the different sections of the United States; if to render the transportation of property both cheap and safe; if to enhance the value of the public domain, by improving it, and thereby inviting it to a healthful and enterprising population; if to give stability to your frontier settlements in that quarter, and add strength to an extended and defenceless frontier, be legitimate objects for Congressional legislation, and worthy the consideration of the Government—then, sir, I may indulge the hope that the resolutions which I have had the honor of submitting, will be favorably received by the House, and will obtain a direction to that committee from whose investigations, not only the citizens of the territory, whom I have the honor to represent, who feel a deep interest in the subject, but the Government itself, may anticipate beneficial results.

The resolutions were then agreed to.

#### *Case of Marigny D'Auterive.*

The remainder of the day was spent in debate upon a bill for the relief of Marigny D'Auterive. This was a private bill, providing for remunerating the claimant for the lost time of a slave impressed into the service of the United States, at New Orleans, and who was wounded, and also for hospital charges.

Mr. LIVINGSTON said, that the Committee of

Claims assume it as a principle, that the United States Government is not bound, in any case, to pay for slaves injured or lost; because they are not considered as property. A principle like this, (said Mr. L.,) is one of the most serious importance, not only to my constituents, but to all those who are interested in this species of property, throughout a large and very important portion of these United States. Slaves not property! What are they then? If not property, they are free: if they are not our property, we have no right to their service: if they are not property, the whole foundation on which the constitution of this Union rests, is shaken. And is it by a by-blow like this, that so important a principle is to be established! I trust not. I trust that the representatives of those States who are so happy, yes, sir, I say so happy, as not to possess any of this species of property, will not, by sanctioning such a principle, lay a foundation for that discontent, for that jealousy, for that division, and for all those most serious consequences, which must result from such a decision. The sum in this bill is nothing; it is not to be spoken of—it is not for that I now address this House; but I should basely betray the duty I owe to those who have entrusted their interests to my hands, did I not protest against the admission of a principle like that advanced in this report. Indeed, sir, it can scarcely be believed, that the Committee of Claims intended to establish it. The terms on which we entered into the social compact, and without which it would never have been formed, the laws which have been passed, and the treaties made under it, must all have prevented their coming to this conclusion; and, independent of these, the laws, not of the Southern States only, but in those very quarters of the continent where such an opinion seems now to be held—the laws of those States would have taught them, that this opinion could not properly be held. How long is it since, in those very States, the laws which considered them to be as much property as any other article, have been repealed? In New York, within the year—in other States, they still exist. It would be well, therefore, for gentlemen who might be inclined to favor the doctrines of this report, to look at home, and see whether, by voting for it, they do not sustain a principle as much at war with the laws of their own States, as it is with the Constitution and laws of the United States. With all this evidence before them, I can scarcely believe it to have been the deliberate intention of the respectable committee, to declare that slaves were not the property of their masters; yet, whatever may have been their intention, their language is but too plain; the whole tenor of the report admits of no other conclusion. I move you, therefore, an amendment to the bill.

[The amendment of Mr. L. went to introduce a clause allowing the claim for the injury done to the slave, and for medical attendance on him.]

Mr. WHITTLESLEY, a member of the Committee of Claims, and who had reported the bill under consideration, spoke in reply. He said he extremely regretted that the gentleman from Louisiana (Mr. LIVINGSTON) had thought proper to exhibit, in the discussion of this question, so much spirit and warmth of feeling. It is a question, said he, that ought to be decided dispassionately, on its own intrinsic merits, without awaking sectional feelings or jealousies; and he trusted that his (Mr. L.'s) appeal to Southern gentlemen to rally round his standard, would not, on this occasion, be responded to by them. He might assuredly have abstained from charging the committee with falsehood, and with having introduced into the report any sentiment or expression, which has necessarily provoked this debate. The committee studiously avoided touching the question which the gentleman apprehends is so vitally important to the slaveholder. The whole of his argument is based on false premises, and his deductions are of course erroneous. He takes it for granted, that the committee have said "that slaves are not property." In this he is mistaken; there is no such position taken in the report. They have said, that "slaves are not put on the footing of property, and paid for, when lost to the owner in the public service." Can the gentleman disprove the truth of this assertion, by recurring to a single case, where the Government has paid for a slave lost in the service? When the gentleman appeals to the passions of the committee, and presses upon its consideration that the Committee of Claims have, in this instance, advanced new and alarming doctrines, it behooves him to look into former reports, and ascertain from them the sentiments of former committees, when deciding on similar questions. The Committee of Claims gave to this subject the most unremitted attention, and did not content themselves with examining the printed reports, but they also carefully examined all the manuscript reports, from the commencement of the last war; nay, they went still farther; they sent to the Register of the Treasury, and inquired of him whether there were any instances, during the Revolutionary war, where slaves had been paid for by the Government, and the answer was, there were none. It cannot be supposed that, during that long and arduous struggle, when the whole energies of the country were put in requisition, there were no slaves in the service, nor that some of them were not slain in battle, or otherwise lost to the owners.

He denied the right of the Government to impress slaves, and said, therein the interest of the master was amply protected. He said, the country was to be defended by free men, and he would advocate no principles which would enable them to stay at home, and send their slaves into the ranks of the army, or which would compel the Government to impress them. Slaves can no more be impressed

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than minors—who are not liable to perform military duty; but suppose a minor, in the time of imminent danger, was in the service, would his parent or master, if an apprentice, have any claim on the Government for a remuneration for his loss, if such minor was killed or wounded in battle? No one would pretend that he would; and why not, if the master is to be compensated for the loss of, or for injury done to, his slave? The service of the minor is not the less valuable because he is white, and the parent or master is ordinarily entitled to it. The discussion of these topics is at all times unpleasant, and, in this instance, it is wholly unnecessary and gratuitous. So far as my information has extended, those in the non-slaveholding States have for their brethren in the South the kindest feelings; they consider slavery to be a national evil, and are disposed to relieve the country from it, so far as meets the acquiescence of the slaveholder, and no farther.

Mr. LIVINGSTON said: The gentleman says I have misunderstood the committee, and that they do consider slaves as property. Well, sir, if so, why have they not allowed compensation for their injury? But have I misunderstood the committee? Have they not carefully employed, throughout their report, in every case (but one) where they speak of the slave of M. D'Auterive the word servant, and carefully avoided the word slave? [Here Mr. L. quoted the report.] Now, the gentleman tells us that the committee have nowhere said that a slave is not property.

But they have said expressly, that they have not been considered by the Government as property which ought to be paid for when taken for public use. And the addition to the phrase in which it is said that they are not property, cannot qualify it so as to lessen the effect of that allegation, and the sentence has precisely the same meaning as if it had read thus: "Slaves have never been considered by the Government as property, and therefore are not to be paid for." If they are property, of any description whatever, they must be paid for when taken for public use. The constitution makes no distinction. It embraces all private property, of whatever nature. If Congress could distinguish and say this species of private property shall be compensated for, that shall not, the provision of the constitution would be nugatory, and every species of property might in its turn become the subject of an exception. We must, then, argue upon the report, not upon the explanation of it given by one of the members who made it.

Mr. FOSTER said he rose for the purpose of bringing to the notice of the House a single fact. The gentleman from Louisiana had put the matter on its true footing. If this slave had been impressed and lost, those who impressed him must be held to pay. This principle, so far from never having been acknowledged or acted upon by this Government, had been expressly acknowledged and acted upon

in a very memorable instance. The gentleman from the Committee on Claims said, that payment had never been made by this Government for slaves lost, and had quoted a string of precedents to prove it; but of all the cases cited by the gentleman, only one had any bearing on the present bill, and that was the case where the sickness of the slave, contracted in the service, was not certainly proved to have been the cause of his death; but it was this doubt only that was the true reason why the slave had not been paid for, and not any doubt whether the slave was to be reckoned as property. But the instance to which he had at first alluded, was one that could not be denied or doubted. In our treaty with Great Britain, this Government openly claims payment for slaves forcibly taken away, and the claim has been allowed, and large sums paid by the British Government on this very principle. If this is not an acknowledgment of the principle by this Government, I am at a loss to conceive what can be; and surely our own Government is as much bound by it as the Government of a foreign country.

Mr. MCCOY (of the Committee of Claims) said, that this was a delicate subject, and he could not help thinking that the argument of the gentleman from Louisiana was, in its practical tendency, more injurious to the interest of the Southern States than that advocated by the Committee. The Government (said Mr. McC.) does not pretend any legal right to take and use this species of property, and he was not willing to coerce its employment. He was one of those who would not willingly have a single slave in or about the Army at all. He thought our soldiers should all be freemen. That Government in its treatment of slaves considered them as something more than property. The constitution does the same—it considers them not only as property, but as persons also. The Government has no authority whatever to call slaves into the public military service. There may be justice in some cases in allowing for their loss: but he, for one, had rather see all the slave owners of the South suffer some loss than grant claims of this kind, and thus sanction the principle that Government has a right to impress slaves into the service. He knew that the States in which this kind of property existed had their own laws, by which slaves were made property in the most complete sense of that term. But these were not laws of the General Government. The Government has no control over slaves—and he would rather lose a slave entirely than admit that the General Government had a right to take it. So far was the Government from pretending to this, or admitting the principle now contended for when the law of 1816 made provisions for property lost in the late war, a gentleman from one of the Southern States proposed an amendment, which went to include this species of property with other descriptions of it: but the House, on full consideration, rejected the amend-

ment. This fact had a strong influence on the decision of the Committee of Claims. They took the law of 1816 as their guide—and they found pleasure in thus being able to avoid the decision of the abstract question. The subject had not been lightly considered by the committee. He would conclude by repeating his conviction that the House would do more injury to the slaveholding States, by sanctioning the principle that the General Government have the right to impress a slave, than by refusing the present amendment.

Mr. OWEN, of Alabama, thought that, instead of cherishing a wish to avoid the question involved in the amendment, it was, on the contrary, very desirable that it should be fully presented for decision. Let it be considered, let it be fully debated, and let it be finally acted on. He thought somewhat differently from his honorable friend from Louisiana, as to the present case, not presenting all the points necessary to ensure a full and correct investigation: but if the facts are as stated by the member from Louisiana, and not contested by the member from Ohio, then the case is fully made out; but he apprehended, having once paid some attention to this question, that the record evidence will not support the issue proper to be made. But, yielding in this my opinion, or rather my knowledge of the facts to that of others, and inasmuch, too, as this point is not contested in the report, I will assume, that all that is requisite is embraced; and when the decision has gone forth to the country, let it be distinctly understood that all the material facts sustain the issue.

I shall, therefore, proceed, not fearing nor anticipating consequences. And, sir, could it be presented to Congress for adjudication or legislative regulation, whether the slave was the property of the master or not, I could readily conceive that the most appalling consequences would ever attend its progress here; and, sir, though I have all the confidence that patriotism can demand, in the action of this House or Congress, acting within its legitimate sphere of delegated powers, yet, sir, the very act of its transcending that limit, would destroy that confidence. It matters not that this step should be on a point connected with this particular class of rights, delicate as it has ever been considered, and on which the jealousy of so large a portion of the people of this country is properly excited, or whether it should be on any other. The first act of assumed unconstitutional right here, is in violation of the charter that binds us together, and therefore becomes a usurpation, and any usurpation is alarming, whether in this Government or any other, but more especially in this.

Is, then, the question to be raised here, whether this class of people is property? Sir, it cannot, nor will not, I hope, be gravely asked or answered; and to my mind it is only involved by your granting the indemnity, or by your refusal of it. If granted incidentally,

it is decided; though intrinsically you gave no greater validity to a right already perfect and complete: but if refused, you withhold from a portion of the people of this Union, that which you have repeatedly granted to another portion, and prevent the fifth article of the amendments of the constitution from having due force and execution; for, with other things, it declares, "nor shall private property be taken for public use, without just compensation." If you refuse this "just compensation," we must either say that you violate the constitution, or else you decide that slaves are not property. Are you then prepared to make such decision? I think not. And, although the member from Ohio gravely insists that slaves are persons; yet he has not clearly denied that persons may not be property. Sir, what is it we look to, to ascertain what is or what is not property? It is to law.

We are told that there is no authority to impress a slave; that it is in violation of law; that this is a species of property above the law. I grant it, sir, and the very same principle I claim as equally applicable to any description of private property. Can gentlemen point me to a code of law regulating impressments? None such exist. The very term indicates its character. Its law is power, and its action necessity. It is not, nor never can be, based upon right; and the very clause of the constitution, which I have before recited, gives not the right, but recognizes the power, and enforces remuneration. This clause was not ingrafted into the constitution, to delegate to the Federal Government a power not previously possessed, but to compel the fulfilment of the demands of justice—a power inherent in all Governments from necessity called into action. All Governments claim the power, but few grant the indemnity: ours, based upon principles of stern justice, provided for the indemnity, in its fundamental law, but left as it ever should be left—the regulation of the power to be controlled by the exigencies of the case; and these never should be less than the sternest necessity. Sir, all impressment is above the law: all impressment is a trespass against individual right; necessity, therefore, becomes the law, and its operation should only be, when, for the benefit of the whole it becomes necessary to sacrifice individual interest. Sir, in the case before you, I cannot anticipate a denial of the existence of such necessity: if it ever did exist anywhere, it surely did exist on this occasion. The case then is made out; the strong arm of the Government has been exerted to take from a private citizen his individual property. Can your justice deny the compensation which your power enables you to withhold? The impressment was from necessity; the indemnity is from the law.

Mr. MITCHELL, of South Carolina, said that he had not fully understood the case for which this bill is to provide. The gentleman from Alabama had expressed some doubts as to the main fact, which was the impressment of the

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slave. This Mr. M. considered as the point on which the decision must turn. If Government impressed the slave, Government must pay for his loss of time; but, if his master voluntarily took him into the ranks, he must submit to the loss. He hoped, therefore, that the bill might be recommitted to the Committee on Claims, in order that fuller testimony as to the main point might be exhibited to that committee.

Mr. STRONG said, that he had risen for the purpose of recurring to a fact, in legislation, which seemed to have escaped the notice of gentlemen. It was a singular circumstance, in relation to our slave population, that, up to the year 1814, there was no law which protected them from military service. Previous to that year, the law of enlistment permitted officers to enrol "effective able-bodied men," but in December, 1814, the law was changed, and since that time none may be enlisted, but "free effective able-bodied men." Before that time, slaves might be enlisted, but since that time they cannot. The inference is of deep interest to all the slaveholding States. If it be a fair inference from what he had stated, that the intentment of our previous Legislatures had been that slaves should form a peculiar species of property, which was placed without the reach of military law, so that they, like horses, oxen, and other chattels, might not be taken for military use; then the explanatory statute of 1814 would lose its effect, if the doctrine, now advanced by gentlemen, in support of this bill, was to be admitted. If such was their wish, if they did intend to put this species of property over, within the reach of the military power of the United States, so be it. It was for them to judge of. This was the great question involved in the present discussion: Shall slave property, like horses and oxen, be placed without the reach of the arm of military government, or not? If the gentlemen take the former ground and agree to pay for the loss of this slave, then the whole mass of slave population is put within the reach of the Government. For himself, he did not now say that he did not agree to take either of these courses.

Mr. HAMILTON said, that he did not rise for the purpose of contributing to any excitement which the debate might have occasioned: for, if the question was really a difficult and critical one, (which he did not perceive,) it ought only to be approached with a greater degree of calmness and deliberation.

Now, sir, I am not prepared to admit that Congress is about to decide, (whatever may be the fate of the claim before you,) whether slaves be property or not; because, so long as this Confederacy lasts, and the constitution that created it, Congress has no power to settle any such question, and there is an end of the argument. The question, therefore, before the House, is not whether slaves be property or not, because the mere statement of the proposition involves an absurdity in its terms; but whether there be any thing in this peculiar

species of property which should deprive its owners of a just claim to indemnity, when injured or destroyed in the public service.

To sustain the negative of this question, the gentleman from Ohio had relied on several precedents, nearly all of which he (Mr. H.) considered as inapplicable. For it would be recollected, in the case he had cited, in which Congress had refused to indemnify the owners either for the loss or for injury to their slaves in the public service, was where they had been taken by their masters into the army as their servants, for which their owners received a full equivalent in pay, clothing, and subsistence, with a perfect understanding of the risk which their slaves were to encounter. But this does not touch the question of coercive impressment, made of a slave, not as a soldier, but as a laborer, precisely as any domestic animal or implements of husbandry might be taken for the public use. Claims of this description could, in his view of the subject, be paid without affirming any power of the Federal Government to enlist or to make coercive levies, by way of conscription, of the slaves of the South. On the contrary, he thought the payment of this claim sustained the converse of this proposition, and proved that the Government had no control over slaves as military persons; but took them for the mere purposes of labor, as property, and, for their use or injury, their owners were to be paid in this light alone.

Mr. KREMER said, that what he had this day heard advanced was so very extraordinary, that it called on him to say something. What is this case? A man has had his slave taken by the Government of the United States, and employed in its service, and there wounded, if not destroyed. Shall the master be paid for it, or not? This was the question, which some gentlemen seemed to think so terrible. The gentlemen say we must not touch it; but they do touch it, and they say the man must not be paid, because a slave is not property. This is the logic of college-learned gentlemen. Now, for my own part, I do not care when or where this question is discussed. I am willing to meet it anywhere. The gentleman from New York (Mr. STRONG) has told us that the officer of Government, and not the Government, must be responsible. Sir, this may do very well in a certain school, but it will never do in a school of justice! I can never consent to such a doctrine as that. I'm for putting the saddle on the right horse. If the servant of the Government acts unjustly and tyrannically, the Government must pay for it? Who ever heard of such an argument? The Government not responsible! Why, even in the most despotic Governments, such a notion was never heard of; but, in a Republican Government, like ours, it's intolerable. If ever there was a just claim before this House, this is one. And if the question is to be argued how far a slave is the property of his owner, I, for one, am will-



ing to declare, before the whole world, that I believe a slave is as much the property of his master as any thing else that he owns.

Mr. TAYLOR said, that he had understood a gentleman from South Carolina (Mr. HAMILTON) as having advanced the opinion, that the right to take and employ a slave for the public service, arises out of the imminent necessity of a state of war. There was a very striking case, illustrative of this matter, which took place in 1814. Previous to that time no person had been allowed by law to be enlisted, unless he was over 21 years of age, or the consent of his master, if he was an apprentice, had been obtained in writing. But, at that disastrous hour, while sitting amidst the ruins of this capitol, Congress felt the necessity of raising armies to defend the country, then attacked on its seacoast, on its northern frontier, and in the extreme West. Under the pressure of such a necessity, a law was passed, authorizing minors of 18 years to be enlisted, without the consent of their masters, and the same law was afterwards repeated, to the destruction of the contract by which a servant is bound to his master. Yet, even in that law, the contract was so far acknowledged, that a part of the bounty to which the recruit had a claim was required to be paid to his master. The injustice and the oppressive effect of this act, was pressed upon the House with very great force of argument by a large portion of the members from the Northern States. It was painted in colors as glowing as any which can possibly be used on the present occasion. But what did Congress do? Were they deterred by these arguments? Not at all. They passed the bill on the principle that necessity was above law, and they directed the servant to be enrolled without his master's consent. Some of these recruits fell in battle, or by other casualties of the military service. But was such a thing ever heard of as the master of such an apprentice, coming to be indemnified for the loss of his servant's time, or the expense of medical attendance? Never. Yet gentlemen cannot show any valid distinction between such a case and that in this bill. The difference depends only on the degree of loss or hardship, and not at all on the principle. But, more: a servant with a team was forcibly impressed, and in the impressment the servant was slain. His master had a right to his service. He was taken not by law, but by the exigencies of war, contrary to the common rights of mankind; yet it was never so much as even pretended, that the Government must pay for his loss. The present bill rests on the same principle; and if you allow the claim of D'Auterive, you must go back and include all such cases as those I have mentioned.

After an ineffectual attempt, by Mr. MITCHELL, of South Carolina, to recommit the bill to the Committee on Claims, the committee rose and reported, and had leave to sit again.

MONDAY, JANUARY 7.

*Removal of Indians.*

Mr. McLEAN, from the Committee on Indian Affairs, who were instructed to inquire into the expediency and practicability of congregating the Indian tribes, now residing east of the Mississippi River, to the west of that river, and of establishing a Government over them, &c., made a detailed report, accompanied by the following bill, which was twice read, and committed:

"A bill making appropriation to defray the expense of certain Indians who propose to emigrate.

*"Be it enacted, &c.,* That, to enable a deputation of the Chickasaw and other Indians, to be joined by such persons as the President of the United States may appoint for that purpose, to examine the country west of the Mississippi, for the purpose of selecting a portion of it for a permanent home, the sum of fifteen thousand dollars be, and the same is hereby appropriated, to be paid from any money in the Treasury, not otherwise appropriated."

*Case of Captured Africans.*

The bill from the Senate to authorize the cancelling of a bond therein mentioned, was twice read.

It having been moved that the bill be referred to a Committee of the Whole,

Mr. P. P. BARBOUR (Chairman of the Committee on the Judiciary) expressed his conviction that the reference was wholly unnecessary. The Committee on the Judiciary had had the subject-matter of this bill already before them, and had reported a bill to the House, of which, he believed, this was a transcript, *totidem verbis*. The circumstances of the case he would state:

A vessel, called "the Antelope," had been captured by one of our own revenue officers, and brought into the port of Savannah, with a cargo of 140 African negroes. The vessel had been libelled, and claims had been set upon the part of certain Portuguese and Spaniards, for a portion of the slaves. One hundred of the negroes had been sent to Cape Mesurado, in Africa; but 39 of them had been decreed to the Spanish claimants. The case had been some time before the Federal Courts of Georgia, and had been removed by appeal to the Supreme Court of the United States. It had been pending, in all, about eight years. During the whole of that time, these unfortunate creatures had been detained in the custody of the Marshal, and in this interval, many of them had been married, and become heads of families—had been partially domesticated with us, and were desirous of remaining in this country. The Spanish claimants, however, (who resided in Cuba,) sent an order to have the whole number transported to that island; but a Southern gentleman, (Mr. WILDS, of Georgia,) a member of this House, not now in his seat, in a spirit of pure benevolence, and from

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no motives, whatever, of interest or selfishness, had, from mere kindness, bought out the Spanish claim, and paid out all the expenses in the courts, which were very heavy. By a regulation, however, of the Court in Georgia, he is bound to give a bond, to transport these negroes beyond the limits of the United States, and his prayer is, that the bond may be cancelled. The effect of granting it will be to leave these negroes and their children in the United States, instead of having them transported to Cuba, and he need submit no remarks to this House, either on the difference of treatment they would here experience from what they might expect there, or on the painful severity of breaking those near and tender ties which bind the husband to his wife, and the parent to his child. If the bond referred to were not cancelled, the transportation of the whole must inevitably take place. He presumed there could be but one feeling in the bosom of the House as to such an alternative, especially as the measure would be productive of no possible evil, while it went to mitigate that load, which, under any circumstances, must press but too heavily. He had, indeed, heard a suggestion whispered, that this bill was meant to cover the infamy of evading the law which prohibited the importation of slaves. Did he believe that it had the remotest possible connection, he would be the last to countenance it on any other occasion, which went to increase the number of that unhappy population. But where there was no possible connection with such a design, where the slave vessel had been captured by our own officer, and these unhappy people had been detained in the country in consequence of unforeseen litigation, and where a gentleman, in the pure kindness of his heart, had stepped forward, at an actual pecuniary sacrifice, to save them from being torn from each other, he could conceive of no reason why the House should refuse the request that this bill should go at once to its third reading.

Mr. WRIGHT, of Ohio, said a few words on the importance of the question involved in the bill.

Mr. BARBOUR, disclaiming all desire of precipitation, and to allow time for full inquiry, moved to lay the bill on the table.

*Case of Marigny D'Auterive.*

The bill for the relief of Marigny D'Auterive was taken up, and the House went into Committee of the Whole, Mr. CONDIOT in the chair, on that bill—the amendment of Mr. LIVINGSTON being still under consideration.

Mr. J. O. CLARK, of New York, said, being a member of the committee who reported the bill under consideration, and having assented to the report, he would claim the indulgence of the committee for a few moments, while he assigned the reasons which induced him to sanction the report. I regret, said Mr. C., that it should have been thought proper by honor-

able gentlemen, at this time, and on this subject, to enter into a grave discussion of the question whether slaves are property. I regret that a sense of duty should have compelled my honorable friends from the South to start a point which I had imagined had long since been settled; and I still more regret that this debate furnishes an opportunity of getting up, with new dresses and machinery, and for stage effect, a second edition of a serio-comico play, entitled the "Missouri Plot." Is the ghost of the Missouri Question again to be marched, with solemn and terrific aspect, through these halls? Is it again to "shake its gory locks at us," and, pointing with one hand to the North, and with the other to the South, and gazing its blood-shotten eye on slavery, written on the escutcheon of the constitution, to proclaim, with unearthly voice, "out damned spot?" I had imagined that this subject had received its quietus; that it had gone to the "tomb of the Capulets," and that its epitaph had been written "*Requiescat in pace.*" Sir, is there any necessity, at this time, to disturb its repose? I think not. Sufficient for the day is the evil thereof. Some restless spirit—some future Catiline—appealing to the worst passions of his countrymen, will be found ready to "sound the trumpet, and wake its resurrection."

The honorable gentleman from Louisiana seemed to think, that, to deny the right of compensation in this case, would be to sap the foundations of the constitution, and dissolve the Union. If such is to be the result, the subject should be approached with great caution, and discussed with temperance and moderation. I apprehend the gentleman is indebted more to his fancy than his judgment for his fearful forebodings, and that this question can be settled without doing violence to the constitution, and, at the same time, preserve the just rights of the slaveholder. The gentleman from Alabama thought now was the proper time to settle the question. Sir, the question has long since been settled. If I understood the gentleman from South Carolina, he seemed to think that this House had no right or power to settle the question, and could not, so long as the constitution, and Confederacy under it, should exist. He did not mean, I presume, that the citizens of the South—that high-minded, gallant, and patriotic people—would not submit to a decision of this House. He did not mean to be understood, I presume, that if, for the purpose of making a proper disposition of this amendment, it should be decided that a slave is not property, in the absolute, unqualified sense of the term, that then it would be high time, in the language of a learned Doctor of the South, to inquire of what benefit to us is our Union? He undoubtedly meant that the question had long since been decided by the constitution, by the slaveholding States, and by the opinions of the first men of the South, and, therefore, it was not to be doubted: and in this, sir, I entirely agree.

By the national compact, slaves, for certain purposes, are considered as persons, and, for certain purposes, as property. It is a fixed principle in the constitution, that representation is based on numbers, and not on wealth. In the apportionment of the representation in Congress, amongst the several States, under the constitution, this principle was maintained, by adding to the free white population three-fifths of all other "persons." What persons. So anxious were the venerable framers of the constitution to avoid offence; so studious were they to treat a subject so full of embarrassment, with the utmost delicacy, that they cautiously omitted the word "slave." So, in the 9th section of the first article, they are called "persons." Would to God, sir, that the same tenderness of the feelings of others, and the same anxiety to avoid offence, were more the characteristics of more modern politicians. Then shall we hear no more of Southern nabobs and Southern negro-drivers—names used for the purpose of party excitement, and of arraying the passions and prejudices of one portion of our country against another. That slavery is an evil, there can be no difference of opinion. But the constitution found us in the possession of slaves; it has recognized them as an effective portion of our population, and it is enough for us to know, as far as humanity is concerned, that they are better clothed and fed, and more happy, than they would be in a state of emancipation. Liberty to them, under their present inability to appreciate, and incapacity to relish its enjoyments, would be a curse. No one who consults their happiness, or the good of the Republic, would wish to see them emancipated, and turned adrift on the community. The constitution, then, for certain purposes, regards slaves as "persons," and, sir, for a very important purpose. It gives to them, or to their masters in their right, a portion of our national representation. But it will be said that this was the result of mutual compromise and concession. Yes, sir, it was; but it was a compromise based on equivalents, and one of those equivalents resulting from the principle and spirit of the constitution, is the right of Government, when threatened with destruction, to use slaves for the purpose of national defence, and that, too, without being liable to be called on for indemnification.

Sir, the constitution views slaves in the same light as did the slaveholding States at the time of its adoption. It has given no new character to these anomalous beings. The States had always considered them *sub modo* as persons. They were considered by the laws of the States as a species of animals, neither belonging to the moral or material world, but holding a middle station between both. The constitution having thus found them, left them to be considered by the States as property of a peculiar character—property so far as their liberty and services were subject to the uncontrolled will of their master—property so far as they were

the subjects of sale; but persons so far as the lives and limbs were protected from violation—so far as the right of trial, in some cases by justices, and in others by a jury, was concerned; and so far as they increased the national representation of the States owning them. The laws of Virginia, I think, secured to them these rights—rights which can only belong to persons, as members of the body politic, moral beings, and the subjects of punishment. In more modern times these rights have been enlarged. In Missouri they have the right, in all cases of imputed crime, that a Grand Jury should pass upon the case, to a trial by a Petit Jury, to the benefits of counsel, and are subject in most cases to the same punishment which would be inflicted on a white man for the same offence. The same statute which declares slaves to be personal property, likewise confers on them personal and political rights.

This, sir, is no new doctrine. At the time of the adoption of the constitution, it was well understood. In the 54th number of the *Federalist*, we have from the pen of Mr. Madison, whose opinions on all subjects, and especially on this, are entitled to great respect, an exposition of the views of the people of the South, so far as he understood them. He says: "The slave is no less evidently regarded by law as a member of society, not as a part of the irrational creation; as a moral person, not a mere article of property. The Federal Constitution, therefore, decides, with great propriety, on the case of our slaves, when it views them in the mixed character of persons and property. This is, in fact, their true character."

Both humanity and religion sanctions this declaration, which declares that slaves are, in some respects, "persons." It is impossible, in this age, to form any idea of the absolute, direct, and unqualified dominion, as applicable to a human being. It is impossible to reconcile this sort of property with the fact, that they are possessed of personal rights. If they are property, in the unrestrained sense of the term, why do they not mingle with the common mass of matter, and be treated like the "brutes that perish?" Has the master the same kind of property in the slave that he has in his ox? No one will answer in the affirmative. This construction of the constitution, and of laws of the slaveholding States, secures the latter in the undisturbed possession of the slave property, except in the extraordinary case of war, when the Government, threatened with annihilation, calls to its aid, for the purpose of self-preservation, all its moral and physical force. Then it is that the Government has a right to call upon the slaveholding States for the equivalent for an increased representation in consequence of the slaves.

The gentleman from Louisiana has said, that no property could be rightfully impressed! This, sir, is a novel doctrine. Every writer, in treating of the rights of sovereignty, from the

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first to the last, tells you, that, when a nation is at war, struggling for existence, it has the right to avail itself of all its means, whether the subject is willing, or whether he is not. At such a time, it does not stop to inquire whether its population be bond or free, black or white; if they can use the bayonet, or point the musket, it is their duty to rally round the standard of their country, and, if necessary, sacrifice their lives in her preservation. And here there is no discretion. If it is the right of the Government to command, the subject is under a corresponding obligation to obey.

We have been also told, that no precedent can be set up against the constitution. This is not disputed. But practice and precedent are resorted to, with great propriety, to ascertain the views of enlightened politicians and statesmen; and, in some measure, to learn the prevailing sentiment of the age. Shall we reject the experience of past times, the opinions of the great and good, and continue forever in a state of political infancy? If, sir, there is no precedent to be found, from the earliest period of our history, where a slave has been paid for, under circumstances like the present, it is, to me, strong presumptive proof, that, in the opinion of the patriots of the revolution, and the statesmen of after times, no such compensation ought to be allowed. The gentleman from Ohio has informed us, and, no doubt, truly informed us, that neither the war of our first or second independence furnish any precedents.

Legislation furnishes no instance of remuneration. The act of April 9th, 1816, authorized a compensation to be made to the owner of certain enumerated articles which had been impressed into the service, and had been damaged, captured, or destroyed, but is silent as to slaves. This could not have been an unintentional omission, as it must have been known that many cases like the present existed; and, as I am informed, notwithstanding the term property, in one section of the act, is used in its widest sense, no claim was presented to the commissioners under that act for allowance.

Why was it that Government claimed of Great Britain indemnity for the slaves captured and taken away during the late war? Was it on the ground that they were "property?" If so, Government has made an odious distinction between its citizens. On this principle, it should have claimed indemnity for property of every description, captured or destroyed. But no such claim has been set up. The principle on which our Government claimed pay for the slaves, and on which it was allowed by the British Government, must have been that they were persons, human beings, having some political rights, and, as such, should have been restored to their country on the return of peace.

From these considerations, sir, I am led to the conclusion, that slaves, for certain purposes, are persons; that their masters have in

them only a qualified property; that Government, in cases of high necessity, growing out of a state of war, has a right to impress them into its military service, without the liability of being justly called on for indemnification.

It is idle declamation, sir, to talk of the black population of this country, disconnected from the political disabilities under which they labor. The philanthropist may inveigh against slavery. He may urge the consideration that they are of the same flesh and blood with ourselves, descended from a common ancestry, having like passions to gratify, and faculties to improve, accountable to one common Creator, and destined to the same immortality. This would all be fine: but the politician must view them as they are, sunk to the lowest point of mental and political degradation, and wait with patience for the developments of futurity.

Mr. RANDOLPH, of Virginia, then rose, and said: My motive for throwing myself on the attention of the House—I was indisposed, and necessarily absent when this question was last agitated—my motive for throwing myself on the attention of the House, is earnestly to request—I could almost say adjure—but certainly respectfully and earnestly to ask, that no member of this House south of the Ohio, and west of the Mississippi, will debate this question—will deign—will condescend, to debate the point which has arisen—I mean, whether persons can or cannot be property; or will allow that the General Government can, at any time, under any circumstances, in any manner, touch that question. I certainly am obliged to my worthy colleague (Mr. P. P. BARBOUR) for some of his remarks; but I should have been full as much so if he had omitted them.

This is a question the United States Government has nothing to do with. It never had, and it never can have; for the moment it lays its unhallowed hands upon the ark of that question, it ceases to be a Government. We have been told by the gentleman from New York, that this question has been settled forty years since. Sir, it was settled two hundred years since. It has been settled from the day on which the first cargo of Africans was landed on these shores, under the colonial Government. What new distinction is this, about persons not being property—as if there were any incompatibility between the two? Sir, there is none: there never has been any. Property is the creation of the law. What the law makes property, that is property; and what it declares to be not property, that is not property. There is no other distinction. The question has been settled during the longest term of prescription, for more than half a century. It has been settled ever since these States first threw off their allegiance to the British Government.

I hope the gentleman from New York will pardon me. I thank him for much that he said, especially for the manner in which he spoke of his Southern brethren. The gentle-

man is an entire stranger to me. I certainly have every species of good feeling towards him. But I must take exception to one term he employed. He spoke of "our second war of independence." I object to this language, because I never can agree, either, that we were slaves before the first war, or that we were not independent when the second war was declared. But this is aside from the subject. I say that slaves are made property by the law; and you cannot unmake them so, any more than you can alter the British debt, or the tithes, or any thing which you choose to consider as an abuse in any foreign country. When gentlemen tell me that the constitution is to protect us in that species of property, I answer, it is like the protection of the wolf to the lamb. We scorn it. We deny it. It is created property by our law, and our own State Governments are able to carry that law into execution. We do not ask the aid of any Government whatever.

The gentleman alluded, in one part of his speech, to the Missouri question. Sir, the Missouri question never has been settled. There was a spirit mingling in that question, which, as was once said by the gentleman from New Hampshire, (Mr. BARTLETT,) was endeavoring "to buy golden opinions from all sorts of men." A poison was infused into the decision of that question. I never felt it to be any triumph, nor do I now.

Sir, let me ask the House, whether, under the laws of old Rome, a man who was a slave was any the less property, because, forsooth, he was a person? His being a person it was that made him subject to becoming property, because his master had need of his services. I might ask, too, what is the situation of other Governments in relation to this subject; but I will not now pursue that inquiry. We were told something, I know not very well what, about humanity, and benevolence, and religion. Sir, that has nothing to do with the question. We are not to depend on individual views of humanity and religion. It is upon the compact—*Ita lex scripta est*—that is what we have to depend upon. You may cant to the end of the chapter, about whether your religion is that of the Jew or the Gentile. Your religion cannot interfere in the question. God forbid that I should say that it cannot interfere with those who are the subjects of the question.

Suppose the framers of the constitution, instead of using the terms which they have done, in relation to slavery, (and I think it was with much more delicacy than policy that they introduced such a periphrasis as they have done,) had omitted the subject altogether. Supposing the clause for continuing the slave trade for a limited time, was not there: how would you have got hold of any pretext whatever to bring the subject under your rule or jurisdiction.

Sir, humanity and religion are very good things in their proper places; but we have no right to make our humanity and our religion

the rule of other men's actions within the sphere of neither. I will put a case—and I hope I shall not be misunderstood; that I shall be judged by my words, and not by any gloss which may be put upon them here or elsewhere. I will put it for the sake of putting a case, and, that I may not be accused of libelling other States, I will suppose that my own State, the State of Virginia, had made the abuse of a slave not punishable at all, and that slaves were daily and cruelly and inhumanly murdered by the masters, (a thing as much within the range of probability as many statements I have heard,) what would be the remedy? Would it be found in this House? Can you punish murder committed on the other side of the Potomac? Your jurisdiction is confined to your own territory, district, forts, and dock-yards. You may cry your eyes out with humanity, but you could not touch this matter. The thing is in its proper place: it is under the jurisdiction of men of as much learning and talent, and as much humanity and religion, as can anywhere be found, who, knowing the disease, know the remedy, and do not choose to suffer quacks to "step in where angels fear to tread." Again, sir, we have been told that the representation of this description of persons in the Constitution of 1787, was a compromise. No, sir, it was none. There was no compromise about it, further than the whole constitution was a compromise. We wanted a representation for our whole population; but we were weak enough to agree, that one-half of that population should be represented by only three-fifths of that half. Suppose, now, that this had been a regulation for the white population, and not for the black: how would that affect the question? It would not have touched the rights of the whites. A compromise, sir! No; there was no compromise; and why not? Because, in 1787, there existed not a man in this continent, who dared so much as breathe a whisper of a right on the part of the General Government to touch the question at all: nor can they touch it now. This Government has no more to do with it than the Khan of Tartary. We are all Representatives of respectable, and some of us, of ancient and powerful commonwealths; and our laws will, may, and must execute themselves. There may be agitators, and I know there is some real or affected agitation (I mean without the Southern States) on the subject of slavery; and the effect of this agitation may be to make the slaves themselves more miserable, but that will be the sum total of its effect.

One word more, sir, and I have done. Suppose that the reasoning of the gentleman who has just spoken in opposition to that of the learned gentleman from Louisiana—for, in reference to his professional acquirements, no man better deserved the title—were true, then we must lose three-fifths, and the English pay for only two-fifths of the value of the slaves carried away during the last war, because

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three-fifths of each man was person, and two-fifths property! This reminds one of the judgment of Solomon, which we see depicted in the Tapestry, (and in that Book of which I ever desire to speak with respect,) who ordered the child, disputed for by two mothers, to be equally divided between them; but his was a more practicable rule, it was a vertical cut from top to bottom. [Some members smiling at this allusion.] I did not intend, sir, by this remark, to excite any merriment.

Permit me again to ask, before I sit down, that no man will deign ever to discuss this question. This is not "the accepted time." If ever that time does arrive, as I sincerely hope it never will, our business, sir, will not be here, but at home. Our business will be, to make our escape if we can, for this House will then be to us the den of Cacus. Our business, I repeat, will be, not here, but at home. And let me, on the other hand, remind those gentlemen who differ from me on this question, (and differ, no doubt, as conscientiously from me as I do from them,) that it was just ten years from the first stirring of the question of the right of Great Britain to tax the colonies, until the spirit was got up which ended in a separation. It took ten years of goading to bring us to that point. Sir, the relation of the States to the General Government resembles, in some respects, another sort of union, more tender and more sacred in its character; yet even that will not bear continual provocation—even that near and strong relation may be torn asunder, though there are pledges of their loves to bind the subjects of it together. He may be a very acute man—he may be a very learned man—and he may be in a train to become a very able man, but he is not a man of observation and experience, who does not see that a temper has been excited, and is exciting now on this subject, which it is not less the duty than the interest of every member of this House, in every possible mode, to allay. I know, and I speak "the words of truth and soberness" when I say, that I know that the reflecting part of our country will unite with me in this sentiment—even among those who have conjured up all those chimeras on the subject of slavery, which we have so often seen portrayed both by pen and pencil. I cannot agree with the gentleman from New York, that the slaves are an unhappy race. They, no doubt, are causes of unhappiness to their owners, sometimes, and no doubt they are unhappy sometimes themselves: for who is exempt from unhappiness?

But I believe that, as a class, I have no hesitation in saying, that to the best of my knowledge and belief, they are much happier than their proprietors are now, loaded as these are with the effects of a system, which I will not now go into a discussion of, and with the cares, and wants, and difficulties, which this very population brings upon them.

In regard to the claim to be provided for, in the present bill, I had thought that the old

maxim was applicable, *inter arma leges silent*. This slave was taken precisely in the same manner as the horses and the cart. A gentleman has asked if slaves are to be considered as oxen and cattle? Sir, no man of common refinement, or any humanity, ever regarded them in the same light as oxen. Yet, gentlemen should remember that even the ox and horse, though they be but brutes, have, nevertheless, their rights. Sir, I fear I have done, what I have often done before, but very seldom of late, and what I intend rarely to do again, trepassed already too long on the patience of the House.

Mr. STORES, of New York, said he was sorry the honorable gentleman from Louisiana had introduced a question which was so extremely liable to be misunderstood. I cannot, said Mr. S., agree with that gentleman that, on the mere question of the adoption of this amendment, we are compelled to determine what is the precise nature of that property which a master has in his slave. But as the question on the amendment is a question of compensation, we must vote on it. Though representing a State which does not, at this time, contain any slave population, it is not my fault that this question has been presented. It has been brought in, as I think, unadvisedly: I could have wished the honorable gentleman had forbore to press it, lest some misconstruction might lead to a doubt of our maintaining that relation which the laws of some of the States have recognized, and which they sustain between a slave and his master.

I agree with the gentleman from Virginia, (Mr. RANDOLPH,) that the constitution has nothing to do with this matter. That instrument never fixed the nature of the relation of master and slave, nor of any other of our domestic relations, nor of the persons of the different States to each other. When, therefore, gentlemen criticize on the terms "person—population—persons held to service," &c., used in that instrument, they are, in my judgment, somewhat hypercritical. Those words were used, not for the purpose of definition, but out of delicacy, and as laying down a rule to be observed in taking the census of the United States. What is this relation of the slave to his master? And what are the qualities of that relation? I hold, sir, that the right of the master in his slave is a right to his service under all circumstances whatsoever, and also to the absolute unqualified control and custody of his person, so that it cannot be taken from him for purposes of service, nor his actions regulated by any power but his own, save only when the State lays its hand on him for the punishment of crime, and the preservation of the public peace. You may debate the abstract question as long as you will, and may discuss metaphysically what is the exact nature of the right; but, after all, the question is, what do the laws of the State declare in which the master and the slave reside? I have be-

stowed some little reflection upon the subject, and the only conclusion to which I can bring my mind, is that I have stated. On maintaining this control of the master, rests the security of a very large and important portion of this Union, and whoever interferes with the exercise of it, is guilty of a violation of the rights of all those who inhabit the States where this species of property is held. This Government cannot do this. It is a question not to be debated. No man, I mean no man of any sense and reflection, ever thought of maintaining, that I know of, that it was competent to the General Government to touch the question of right in the slightest degree.

What, then, is the case before us? An officer of the United States, in the use of what he was pleased to consider as his discretion, seized and impressed into the military service of the United States, a slave, belonging to a gentleman of Louisiana. That is, a mere military officer undertook to do what all branches of this Government united, are not able to do. Yet, we have been told by some gentlemen, that he had a right to make this impressment. What, sir—an officer, a mere creature of this Government, whose official existence can be swept away in a moment, has a right to do what this Government, with all its powers, may not so much as attempt? And now, he having done this—having assumed what he called his right to sever the bond between master and slave, and having made himself the judge how far he might carry this right of impressing whom he pleased, what are we asked to do? To adopt his act as our own—to make it an act of this Government, and, in consequence of so adopting it, to indemnify the loser. On what principle, sir, can we possibly be held bound to indemnify, when the officer clearly transcended his duty? I disagree with my colleague, as to the power of impressment in cases of danger. An officer shall never touch my person and property, whenever he chooses to determine that State necessity warrants him to do so. No, sir; whenever he does this, he is a trespasser. And if the State does not give me a remedy against him, there is no longer such a thing as freedom in my country. Liberty is gone—it exists no longer. We have, indeed, indemnified the loser in some few cases, where the public necessity was so great, so high, so undeniable as to overstep all obligations of lower duty. But, then, we have indemnified for the act of our officers, in the character of trespassers—and we took into our own hands to inquire whether any such necessity existed. But, once admit the right of a mere military officer, whose sole power is the parchment in his pocket, and the epaulette upon his shoulder, to seize and impress, whenever he may think proper, and you give to this creature of yours, authority over every slaveholder in the Southern States—he may set them all at defiance—and I am asked to say, I will assume his acts. Sir, I am not prepared

to do it. Yet I must do it if this amendment passes; for the principle, and the only principle on which we can grant compensation in this case, is, that we adopt the lawless act of impressment as the act of this Government, and pay for this slave under the pretence of State necessity; and what the officer is pleased to call the salvation of the country. Sir, I cannot even attempt to run out the consequences of establishing such a monstrous principle, and so vitally fatal to a large portion of the Union. If a General may do this, a Colonel may do it; if a Colonel, then a Captain; and if a Captain may, a Sergeant, and so may every subaltern, down to the lowest cotton tassel in the camp. And if an officer from the Southern States may do it, so may an officer from the Northern States. Sir, if these doctrines are sanctioned, it shall be done without my consent. It is a dangerous doctrine. Admit it for a moment, and you strike a blow at the security of the whole slave population of the Southern States. It is the same case in principle as to allow the impressment of an infant, apprentice, or servant, in the Northern States. If there is any reason in it, then every officer of the United States may, at pleasure, (or in circumstances of which he is to be the sole judge,) sever the bond which unites master and servant, which binds together parent and child. He may enter our dwelling, drag our children from the fireside, and, regardless of his father's will, or his mother's cries and tears, force him to the camp—and, when there, put him under martial law. He may do this—and when he has done it, we, forsooth, are to volunteer him an indemnity, to step in his place, and assume these deeds as acts of the Government. Sir, you never provided for such a case—yet you authorized our apprentices to be enlisted, without the consent of their masters, and our children, without the consent of their parents. You allowed this tie to be severed—(though the right of a father over the person of his child is as perfect as that of any master over his servant, and far more tender, though I grant that the ties of master and slave may sometimes be of a tender kind)—but you never thought of granting them compensation. You are asked to make it in a case by no means so strong. You are asked to do that for one section of the Union, which you never thought of doing for the other. Adopt this principle of impressment, and you sanction what may, at some future day, lead to consequences, in one part of this Union, I will not speak of, nay, which I will not permit myself even to think upon. The report of the Committee of Claims avoided meddling with this question.

TUESDAY, JANUARY 8.

*Battle of New Orleans.*

Mr. HAMILTON moved the following resolution:

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Historical Paintings.

[H. OF R.]

*Resolved*, That the Committee on the Library be instructed to inquire into the expediency of having an historical picture of the Battle of New Orleans painted, and placed in one of the panels of the Rotundo. And that they further inquire into the expediency of engaging Washington Allston to design and finish the work, and, if expedient in both contingencies, to ascertain whether, and on what terms, he can be so engaged.

MR. HAMILTON said: It was not necessary, nor could it be expected at this time, that he should vindicate the policy which had dictated an embellishment of this national building with a representation of some of the most cherished events which adorn our history. The policy itself springs from a sentiment which may well be called instinctive in the human breast. Its elements are to be found even in the impulse which leads the savage to construct those rude memorials by which he attempts to tell of an age and warriors that have been. But the sentiment becomes irresistibly powerful, and of great moral efficacy, when it summons to its aid the delightful art of painting, which is the result of the highest condition of civilization, and whose lessons are inculcated by a universal language, and is understood by all the children of men, however divided by divers and conflicting tongues.

Whether the victory of the 8th of January was an event which, delineated by the hand of genius, might be applicable to some one of the purposes to which the great moral of this art is subservient, was precisely the question which he wished the intelligent committee to whom the inquiry would be referred, to decide. He trusted he might be permitted to say, that, as we had a representation of the surrender at Yorktown, by which our first war was closed, there would be a peculiar fitness in placing by its side a delineation of that achievement which so brilliantly closed our second contest.

Without professing to be a connoisseur in the art, would those who were, pardon him for saying, that he could scarcely conceive a finer subject for the canvas, than the objects which would adorn animate, and the scenery which would adorn this picture?

The defence of New Orleans forms a beautiful *chef d'œuvre* in the science of war. It was characterized by circumstances which would enable the painter to place in high relief the heroic steadiness and gallant devotion of our warriors, and to exhibit in gorgeous array, the embattled hosts of our enemy, who rushed on like a torrent, in daring and dauntless valor, regardless of their fate. Nor would the chivalry of our country be content in assigning an obscure or a disparaging spot in such a picture, to the pathetic fate of the British commander, who poured out the willing streams of his life blood in obedience to the mandate of his country. No; "our countrymen war not with the dead." The ashes of a man who thus falls are thrice consecrated by the blessings of the generous, the feeling, and the brave.

Let me add, that the scenery of this picture will be associated with some of our most interesting recollections. It will be placed on that Delta of Egyptian fertility and tropical magnificence, through which the mighty father of our Western waters is pouring the tribute of his thousand streams, in his almost finished journey to the ocean. On that Delta, which belongs to that glorious realm, the first possession of which we owe to him, who now sleeps in peace, "by all his country's wishes blest," and the last, to him "who has filled the measure of her glory."

MR. H. said he should have felt delicacy in designating Mr. Allston, if, by universal consent, he was not considered one of the first, if not the very first "living artists our country has produced," by which an important requirement of the committee would be at once fulfilled. Indeed, the profound genius and unrivalled execution of this gentleman was so well admitted, that he had heard, on the best authority, that one of the most enlightened and discriminating critics of Europe had declared, "that, if there was a man living who was capable of lighting up anew the glories of the Augustan age of painting, that man was Washington Allston." It may not be known to all who heard him, that this gentleman, after passing fifteen years of his life abroad, in studying the remains of ancient, and the acquisitions of modern art, is now engaged, under the patronage of a city (Boston) no less distinguished for its refinement and taste, than by its literature and science, in giving the last touches to an historical picture, (the labor of ten years,) which is probably destined to form a new era in the arts, and to confer a renown on that country which has neglected to cultivate them.

If you want this man, you must seek him. To the pride of genius he adds a thriftless disregard of money; for he knows, as it has been beautifully said on another subject and occasion, that the real price of the productions of his pencil, "is immortality, and that posterity will pay it."

I hope, sir, I shall be pardoned for a suggestion, somewhat selfish in its origin, but surely not deserving of a severe reprobation. Gen. Jackson and Mr. Allston are both natives of the State of South Carolina, and there would be a happy congruity in the fact, that the conduct and valor of the one should be illustrated by the genius and taste of the other.

MR. H. said, in conclusion, that he felt entire gratification in confiding his resolution to the judgment and patriotism of his honorable friend from Massachusetts, (MR. EVERETT,) who was well acquainted with the merits of the great artist to whom he had referred, and that of the gentlemen associated with him on the committee, and he would barely repeat that he was content that they should determine, as preliminary to the decision of the House, "whether the period had arrived for completing the decorations of the great Hall of the Capitol," and



whether he had designated "a judicious choice of a subject, and a competent artist."

Mr. INGERSOLL said, that he should not have risen, had not the resolution, moved by the honorable gentleman from South Carolina, designated the name of the artist to be employed. When it was recollected that Mr. Trumbull, the gentleman who had executed the paintings now in the Rotunda, was a native of the State which he represented on that floor, he trusted his honorable friend would excuse him if he ventured to suggest, that no course ought to be pursued, in this stage of the business, which went to exclude the employment of that venerable and patriotic individual in executing any paintings which might be ordered. If the artist, to which the gentleman had alluded, was a native of the same State with the hero of our second war, the artist he himself had named, had been an actor in his own person in the war of the Revolution. He had been a prisoner, and had suffered severely in that contest; and he must be permitted to say that great injustice had been done him, from the manner in which his paintings had at first been displayed. They were placed in a small and obscure room, beneath our feet, and the artist had had the mortification to know that the most unkind and unfeeling strictures had there been passed upon them, in consequence of this or that disadvantageous location. His fame had suffered; his feelings had suffered; and all his friends who knew the circumstances, had suffered with him. It was with pride and pleasure, Mr. I. said, that he had witnessed their removal to a situation more worthy of their excellence, and he (Mr. I.) had witnessed the tears of joy glistening in his venerable eyes, under the consciousness that, at last, justice had been done him. Mr. I. said, that he admitted, very willingly, the high merit of Mr. Allston, but, if Congress should conclude, in this matter, to depart from the class of our Revolutionary worthies, there were other native artists, besides Mr. Allston, who would desire not to be precluded from a chance of employment. He therefore moved the following amendment: to strike out the name of "Washington Allston," and to insert the words "some suitable artist."

Mr. HAMILTON said that he had risen principally to indicate his acquiescence in the amendment proposed by the honorable gentleman from Connecticut. He desired, also, to exempt himself from all idea of the slightest disrespect towards the venerable gentleman so feelingly referred to in the remarks just submitted; and certainly, if the resolution he had had the honor to move, proposed the commemoration of any of the events of our Revolutionary war, that gentleman, both from his services, and from his opportunities of observation, would have a special claim to be preferred.

Mr. KREMER said, that he entirely agreed that it was proper such a painting should be executed, and that the illustrious glory which had

been achieved in the most brilliant victory of modern times, ought to be handed down to posterity. Such deeds ought to be kept fresh in the recollection of all generations, and he thought that it could not be put in a better place than in the Rotunda of this building. But in order that this painting may be justly judged of, (since all our judgments were founded on comparison, and what could we judge of but what we know? and how could we judge of what was unknown but from what was known?) he would move a small amendment. When this victory was achieved, which rendered our country so glorious in the eyes of all nations, it excited both pride and wonder; and he wished he could stop there. But he must say it created envy too. Now, in order that posterity might have a fair opportunity of judging of that transaction, he would suggest that another painting be placed alongside of the victory of New Orleans, representing the meeting of the Hartford Convention, which was in full session at the same time. He therefore moved to amend the amendment, by adding, "and also the meeting of the Hartford Convention."

Mr. EVERETT, Chairman of the Library Committee, said that he should not have risen to speak on the resolution or amendment, had not the gentleman from South Carolina done him the honor to refer to the report which he had submitted to the House from the Library Committee, during the last session, and which recommended a course to be pursued on this subject. In every thing of commendation which that gentleman had advanced in relation to the artist proposed by him to be employed, Mr. E. said that he heartily concurred; and he had been prepared to pass the resolution, which in itself was the most distinguished compliment that could have been paid to that eminent artist and excellent man. He concurred, too, in all the commendations which had been bestowed upon the great event which was intended to form the subject of the painting; nor was the present the first time that he had attempted on this floor to add his tribute to that which had been so liberally paid by this whole people to the great man who had achieved that victory. But he thought it would be convenient if the terms of the resolution were enlarged, and this idea had in part been suggested by the remarks of the gentleman himself, who had said, that, as the victory of Yorktown, which closed the war of Independence, had been made the subject of one of our national paintings, there was a peculiar fitness that the victory of New Orleans, which gave lustre to the close of our second war, should be made the subject of another. This went to show the expediency of enlarging the terms of the resolution, and he should be glad if the honorable mover would make it general, extending its provisions to filling the empty panels of the Rotunda with appropriate paintings. [The remarks of Mr. EVERETT were imperfectly heard

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*Historical Paintings.*

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by the reporter, who apprehends that they have been as imperfectly reported.]

Mr. STORRS said that he had often thought that our naval victories were entitled to some notice, as well as the military exploits of the army, and that Congress could not better occupy some of the vacant panels in the Rotundo, than by filling them with commemorations of some of those chivalrous triumphs of the navy that had conferred so much honor and glory on the country. He hoped that the navy would not be altogether forgotten, and that the House would agree to adopt an amendment that he should offer to the proposition of his friend from Massachusetts. Mr. S. then moved to add the following words, viz: "or such of the victories achieved by the Navy of the United States, as in their opinion should be selected for such national commemoration."

[Here the debate closed for this day.]

WEDNESDAY, JANUARY 9.

*Historical Paintings.*

The resolution yesterday moved by Mr. HAMILTON, together with the several amendments, having been again read, and the question being on the amendment of Mr. STORRS—

Mr. EVERETT was opposed to the amendment because, in his apprehension, it did not go far enough. He had no hostility, whatever, to the original resolution, but thought the inquiry ought to take a more extended form, and, at a proper moment, it was his intention to submit an amendment, intended to effect that object. He did not wish that the House should pass any resolution which might leave it to be inferred that all public merit was divided between military and naval achievements. No, sir, said Mr. E., I think the principle was a very wise and patriotic one, which was pursued in the selection of the subjects already executed. Two of these were of a military kind; two others were, both in their conception, and in the lesson which they taught, of a civil character; and I think that, in filling up the remaining panels, the same principle ought still to govern us. It is, in my judgment, very important, that, in all the details of this great national monument, we keep constantly in view our obligation to teach a valuable lesson to posterity. We may find enough memorable events, in the civil history of this country, to call for all the aid of all the arts. I need not, I trust, repeat the declaration which I made yesterday, that I have no design, whatever, to break down the original resolution. I am perfectly free to say, that, in any series of military exploits which it may be thought necessary or proper to commemorate, the victory of New Orleans ought not to be omitted. The gentleman from South Carolina (Mr. HAMILTON) said of that victory, that it formed the *finale* of a series of great achievements. Well, sir, on the gentleman's own principles, if this is the termination

of a series, is it not at least natural to take, also, some of the actions which composed that series? The gentleman also declared, and I doubt not with great truth, that, in offering this resolution, he meant nothing invidious. But, will it not be considered as invidious, when he himself confesses there has been a series of great actions, to fix upon one, alone, for commemoration? It is, in part, on this account, that I wish to give to the resolution the whole extent which, in my judgment, it ought to embrace.

Mr. BARTLETT expressed his agreement with the gentleman from Rhode Island, (Mr. BURGESS,) that it was an unfortunate time to propose this declaration, in compliment to some of those who have fought for us, while there are others, equally deserving, who remain unprovided for. Before we flatter the vanity of our heroes, would it not be well to provide for their wants? Mr. B. said that he had arisen for the purpose of stating, that he had prepared, and held in his hand, a resolution which would cover the whole ground both of the amendment and the original resolution. The amendment of the gentleman from Massachusetts (Mr. DWIGHT) extends the inquiry, which was at first confined to the victory at New Orleans, to events of the Revolution, not yet the subject of our commemoration, while that of the gentleman from New York (Mr. STORRS) proposed to include the naval victories of both our wars. There was an important part of the history of our country, which was not touched by either of these amendments. The resolution which he had drafted would be in order by way of amendment, if the gentleman from New York would consent that the gentleman from Massachusetts (Mr. DWIGHT) should withdraw the amendment he had offered.

Mr. DWIGHT said nothing would give him more pleasure than to oblige the gentleman from New Hampshire, (Mr. BARTLETT,) by accepting his amendment as a substitute for his own, could he do so without abandoning the principles upon which he had originally offered his own amendment to the resolution of the gentleman from South Carolina. He was persuaded that the gentleman himself would be satisfied of the propriety of the refusal, when he heard the grounds upon which it was made. He had, he said, long since understood, from authority which could not be doubted, that, when the artist selected the four subjects embraced by his amendment, at the conclusion of a series of historical paintings, that selection received the sanction of Washington and Jefferson. When he saw the Rotundo decorated on one side, by such scenes as the Siege of Yorktown, the Surrender of Burgoyne, the Declaration of Independence, and the Surrender of General Washington's Commission, it was painful to behold the other side of that splendid room a blank. He lamented it the more when he saw how appropriately it might be covered by the Battle of Bunker's Hill, the Attack on Quebec, and the

Battles of Monmouth and Princeton. While up, he would take occasion to reply to some remarks of the gentleman from South Carolina, (Mr. HAMILTON.) He had, in depicting the various modes of legislative hostility, which might be adopted, let fall expressions susceptible of a construction which his own feelings towards that honorable gentleman forbid him to suppose could have been intended. He had intimated that his own original resolution was to be smothered by the weight of the amendments ungenerously thrown upon it. Whatever was intended by the remark, he could not, in justice to himself, suffer it to pass unnoticed. If there was a member upon the floor who did not feel his heart swell with a prouder, and more ardent love of country, when he contemplated the achievements of the general and the army of New Orleans, he was not that man. But the heart which was alive to these emotions could never be closed to such as were calculated to be excited by the Battle of Bunker's Hill, and the other to which his amendment applied. And he could never consent to commemorate by paintings, a scene in the late war, to the exclusion of those of equal splendor in our Revolutionary struggle. If his amendment were adopted, it would embrace them all. The gentleman from South Carolina certainly knew him too well to suppose that his feelings were of such a contracted character as to induce him to refuse to call upon American genius to illustrate American valor. To the genius of Allston, as an historical painter, he would do all homage, and he had the satisfaction of believing that the adoption of his amendment would give full scope to that of both the artists who had been alluded to.

The question was taken on the amendment proposed by Mr. STORRS, viz: "or such of the victories achieved by the Navy of the United States, as in their opinion should be selected for such national commemoration," and decided in the negative—yeas 80, noes 99.

The question was taken on the amendment of Mr. DWIGHT, viz: "to embrace the battles of Bunker's Hill, Monmouth, Princeton, and the attack on Quebec." Negatived—yeas 83, nays 107.

The question being on the resolution as moved by Mr. HAMILTON,

Mr. EVERETT moved to amend the resolution so as to read as follows:

"That the Committee of the House of Representatives on the Library be instructed to inquire into the expediency of taking suitable measures, at this time, to procure a series of historical paintings for the empty panels of the Rotundo."

Negatived.

The question recurring on the resolution of Mr. HAMILTON, as modified by Mr. RANDOLPH, it was decided by yeas 98, nays 108.

So the resolution was rejected.

THURSDAY, JANUARY 10.

*Coast Survey.*

Mr. VERPLANCK submitted the following:

*Resolved*, That the Committee on Naval Affairs be instructed to inquire and report on the expediency of making such legislative provision as may be necessary for reviving, extending, and carrying into effect the act of February 10th, 1807, providing for surveying the coast of the United States.

Mr. VERPLANCK begged leave to call the attention of the House to a brief statement of the objects of this resolution, and of the facts connected with the acts it referred to. The law of February 10th, 1807, was passed in the last Congress of Mr. Jefferson's Administration. I believe upon the recommendation of Mr. Jefferson himself. It certainly was a favorite measure of his. It authorized and requested the President to cause a survey to be taken of the coast of the United States, designating the islands, shoals, roads, and places of anchorage, within twenty leagues of any point of the coast: also, the respective courses and distances between the principal capes and headlands: in short, every thing necessary for completing a minutely accurate chart of our whole coast, for every naval, military, and commercial purpose. Another section provided for such examinations relative to St. George's bank, and other banks and shoals, and the soundings and currents beyond the limits of twenty leagues, to the Gulf Stream, as might be subservient to the uses of navigation. [The immediate object of this act was unquestionably, to procure a thorough knowledge of our coast for naval purposes and for fortifications, which the prospect of a collision with the great maritime power of the world then pressed upon the attention of Congress.] These, however, were combined with farther views—with the general interest of our own commerce and navigation, as well as with the generous wish to contribute to the useful science and geographical knowledge—of the whole civilized world. The sum of fifty thousand dollars was appropriated to carry the act into effect—and the principles upon which it should be executed were settled by the President. They are stated by Mr. Gallatin, with that luminous precision which marks all the writings of that statesman, in an official letter to a distinguished man of science, who was to be employed in the execution of the act. It is, I presume, to be found in the official files of the Department. I have myself read it in a valuable paper on the survey of the coast, printed in the American Philosophical Transactions. The plan he resolved into three distinct parts: 1st. The ascertainment, by a series of accurate astronomical observations, of the true position of a few prominent and remarkable points on the coast, such as are or would probably be the sites of forts, or light-houses, &c. 2d. A trigonometrical survey, by a chain of triangles, of the line of coast between these points, the po-

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sition of which had been thus astronomically determined, making therein the position of every prominent object distinguishable at a distance. 8d. A nautical survey of the shoals and soundings, of which the trigonometrical land survey should be the base—to depend as little as might be on astronomical observations made on board ship.

Soon after this, Mr. Haaler, well known as a scientific, as well as an experienced and practical mathematician, was sent to Europe for the purchase of instruments. He there procured an admirable collection, selected by himself with great care, the workmanship of the first artists of the age, Troughton and Dolland, in London, and Le Noir, in Paris, well known scientific mechanics, whose labors and improvements have conferred higher benefits on the world than many men of more splendid fame, as well as loftier pretensions in the ranks of science.

With these instruments, the survey was commenced, in 1817, and a portion of the work done with minute accuracy. After a time—I know not why—it is a part of the country I am not acquainted with—the work was suspended, and nautical surveys were substituted. These, too, were finally abandoned, as a system. A vast body of maps and charts were thus collected, at a vast expense—many times the cost which would have attended a perfect execution—I have been told, half a million of dollars, but have no precise authority for this; but, at whatever cost, they were exceedingly dear, for they are comparatively of very little value, and are acknowledged to be so. The private navigation has been left to guide itself by such lights as may be furnished by private enterprise, or by the science of Europe. Whenever any local interest or object such as the building of a fort, or the location of a navy yard, required it, special surveys were, of necessity, ordered either by the Navy Department, or by resolutions of Congress. These were generally executed by the officers of our navy, always with very incompetent means, and often limited in time. In the words of the Secretary of the Navy's last report, "they are unavoidably incomplete. The times within which it was desirable to make them, (says he, speaking of the surveys made last year, of Baltimore, Savannah, Brunswick, and Beaufort,) and the means granted, did not permit them to be made so as to furnish perfect surveys and charts of these harbors."

Indeed, so imperfect are the surveys in the possession of the Navy Department, that I have been assured, on very good authority, that none of them have been found sufficiently accurate to determine the site of fortifications. I ought, however, in justice, to except that of the harbor of Baltimore, made by Lieut. Sherburne.

These partial surveys, by separate expeditions, are also necessarily of enormous expense. Officers, men, vessels, &c., must be detailed anew for each object, with great loss of time,

and new expenses of preparation, at each occasion. Without going further into detail, I refer to the navy report of 1825, in support of this assertion. With all this experience before us, it is now evident that we must recur to the principles of the act of 1807. I perceive that that law is printed in our statute book as an obsolete one. I do not see why; but if so, it is on all accounts expedient to revive it. I would go farther: I would embody in a new law, with the necessary appropriations, all the principles laid down by Mr. Gallatin, in 1811. The President should be empowered to appoint a scientific commissioner, with a decent salary. The excellent instruments, purchased ten years ago, are still in possession of the Government, a little worse for neglect, and, I fear, too, a little the worse for having sometimes been in ignorant hands. The other expenses would be very trifling, compared to the magnitude of the object. A tithe of the annual gain or saving it would yield to the commerce of the nation, would pay the whole. To the navy, in case of war, this is an all-important object. It is a disgrace and a scandal to our country, that the British navy is probably, at this moment, in possession of far better details of the chart of our coast than we are.

I have only to add that this is an application of science to useful purposes, not only strictly within the power of the General Government, but directly incumbent upon it as a guardian of foreign commerce, and the director of peace and war.

The resolution was then agreed to.

#### *Mr. Wilde's Case—(Captured Africans.)*

The bill from the Senate for the cancelling of a bond given by Mr. Wilde, of Georgia, to transport certain Africans beyond the limits of the United States, was called up by Mr. P. P. BARBOUR.

Mr. B. moved that it be engrossed for a third reading.

Mr. TAYLOR objected to this course, as he had not had time to examine the papers in the case, and the bill was unaccompanied by any report.

Mr. P. P. BARBOUR (Chairman of the Judiciary Committee) said, that a similar motion to this had been made the other day, when the bill from the Senate on this subject was reported to the House, and, if such were the pleasure of the House, he should cheerfully acquiesce. He would state, however, that the committee, if ordered to report, could furnish no other information than that which was contained in the petition of Mr. Wilde, and the papers accompanying it, which now lay upon the clerk's table; the substance of which he had, on the former occasion, stated to the House.

Mr. WRIGHT, of Ohio, hoped the motion to recommit the bill would prevail. If I understand the object of the bill, it is to cancel a bond, filed in the office of the Clerk of the Circuit Court of Georgia, pending a litigation con-

cerning a number of Africans, and for their removal beyond the limits of the United States. On a careful examination of the papers, I find no evidence of the amount of that bond, to whom it was given, or the precise terms of the condition. It seems to me there are two bonds, one given by the Spanish claimants of these Africans in Court, and the other by the petitioner. The petitioner asked to have his bond cancelled, and the bill provides for cancelling the one in the clerk's office; and that, too, without ascertaining its date, amount, or the parties. If it were the object to cancel the bond of the petitioner, the bill did not reach it, but provided for cancelling another. But, sir, we are inhibited by the constitution from impairing the obligations of contracts. Can I be expected to give my vote to cancel an obligation, a contract, without knowing the date, the amount, or purport of the obligation, affecting the rights of parties of whom I am wholly ignorant, as well as the extent my act may injure them? Can I be expected to vote to cancel a bond, of which I am so ignorant as not to be able to describe it? The bill contains no description. I have heard none, and can give none. What is its condition? Who are the parties? What its obligations? These questions I think material. Who was the obligee of the bond, and interested in it? Had we any control over it? I fear, sir, this bill exceeds our constitutional limits, and affects the rights of others, having no knowledge of our proceedings or voice in them.

Mr. TAYLOR said, that, when he had requested, a few days since, that the bill from the Senate on this subject might go to the Committee on the Judiciary, it was that they might spread before the House, in the form of a report, the history of the facts connected with that bill. He considered those facts as of such moment as to deserve an official report. The question might be one which involved the liberty of thirty-seven human beings. The House is called upon to cancel a bond for the exportation of 89 African persons brought into the United States contrary to law. The original number had been 189. One hundred of these had been adjudged to be a lawful capture, (of the exact nature of the proceeding which had been had, he possessed no knowledge,) but that number had been sent to our colony in Africa. Of the remaining 89, 87 were declared not to be a lawful capture, and were consequently ordered to be restored to the Spanish claimant. These persons are now in the custody of law. Technically speaking, they have not been imported. It was a subject of discussion, whether their bringing into the country had been lawful or unlawful. So soon as it was determined that they were unlawfully captured and brought in, it became the duty of their owner to give a bond to export them out of the country within a given time. As there was no report to refer to, he did not know how long it was since the judgment of the

court had been given, and he consequently could not know whether a sufficient time had elapsed to enable it to be determined whether the persons giving the bond intended to violate its condition or not. A very delicate, and what might prove a very difficult question, arose as to the right which these persons themselves may have to those Africans. As early as the year '98, Congress prohibited the introduction of slaves into the United States, and declared that all slaves imported in violation of that law, should be *ipso facto* free. Now, if the persons laying claim to these Africans have done acts, which, under the law, are equivalent to importation, it may turn out that all these Africans have a right to their freedom. Mr. T. said that he did not know this, for the House had denied him the opportunity of knowing the facts of this case, from any official report containing them. In an act passed in 1808, said Mr. T., it is expressly provided, that no person in the light of an importer, (and for aught I know the proceedings in this case may have been such as to place these persons in that light,) is capable of holding any right of ownership over a negro slave, and if he shall attempt to sell such slave, he incurs a forfeiture of \$1,000 for each offence. Mr. T. repeated that he did not know that the facts of the case would bring the parties within the provision of this law, and it was because he did not know this that he had desired to have all the facts spread out before the House, by the report of one of its own committees.

Mr. DWIGHT said he should not oppose the motion for recommitment; but there were some facts in the case which stood out in bold relief, and were, of themselves, sufficient, in his judgment to recommend this bill to the universal favor of the House. What, asked Mr. D., was the policy of the act which requires a bond for the re-exportation of Africans introduced into this country? It was to prevent collusive captures. It was to prevent the success of what would otherwise have been a very easy mode of evading the law, viz: the bringing of African slaves upon this coast, and their consequent introduction by a pretended capture. In this case, one hundred and thirty-nine African persons had been captured by a South American privateer: one hundred of these had been decreed not to be slaves; but thirty-nine of them had been adjudged to be the *bona fide* property of the Spanish claimant. The decree of the court, however, omitted to designate which persons belong to the hundred, and which to the thirty-nine. By this omission, a new delay was created, and eight years, in all, had intervened before the question was finally settled. The humanity, however, of the Southern gentlemen, had not left them all this while imprisoned. They had been put out on healthy plantations, where many of them had acquired the relation of husband and wife, parent and child, and had formed attachment to the country. In the meanwhile, the Spanish owner

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appears, and demands that they should be sent to Cuba, where they would be consigned to a bondage tenfold worse than any which exists in the United States. The petitioner in this case (with whom Mr. D. was personally acquainted, and for whom he entertained the highest respect and regard) had been employed as counsel in the case, and, in his course of official duties, had become acquainted with these slaves. They came to him as their only friend, and implored, with tears, that they might not be sent away. To the honor of that gentleman, he stated, that he had interfered in their behalf, and had sacrificed, or at least put in jeopardy, a part of his own private fortune, with the benevolent purpose of relieving them from their distress. He did this from no selfish views. He was not a planter. He owned no plantation. His only motive had been pure humanity; and Mr. D. concluded with pressing his earnest hope that the House would, in some manner, interpose, to relieve him from the unwelcome necessity under which he now labored, of re-exporting those whom he had thus nobly saved.

Mr. MERCEUR expressed his hope that the House might receive a brief report of the facts in this case. The Colonization Society, said Mr. M., have stated to us that they were unable to comply with the proposal made to them, on the part of Mr. Wilde, and this would not appear surprising when he stated the fact that, when that society, in September last, had advertised that a vessel would shortly sail for Liberia, they had received, within the course of thirty days, nine hundred applications for a passage, and there were, at this time, eighteen hundred persons who had expressed a desire to remove to Africa. It was proper he should state that these applicants consisted entirely of free negroes. Mr. M., however, said that this inability on the part of the society to pay the sum required, ought not to be suffered to interpose an insuperable bar to the benevolent purpose for which they had been offered to the society by Mr. Wilde. He hoped the report of the committee would state the precise sum which had been advanced by that gentleman, in his purchase of those people from their Spanish owners.

Mr. WICKLIFFE, professing some knowledge of this case, said that he did not despair of the vote of the gentleman from New York, (Mr. TAYLOR,) and the gentleman from Ohio, (Mr. WRIGHT,) when the facts of the case should not be misconceived. There was one idea, which he considered, of itself, sufficient to ensure their support. Allowing the gentleman from New York to be correct in the supposition, that the conduct of the Spanish claimants should be proved to have been such as gave these Africans a right to their liberty, what remedy would be given by this House, unless the bond should be cancelled? Shall we leave these free persons here, in a land of freedom, or shall we compel the petitioner to re-export

them to the irons of the West Indies, and send them into perpetual bondage? Mr. W. declared, that if he could believe these persons rightly entitled to their freedom, he should be prepared to say, not only that they might remain, but that they should not be sent away.

Mr. GILMER said he had risen for the purpose of stating some of the facts which gentlemen had inquired for. He then read from a schedule, which he held in his hand, some items, from which it appears, that the total of law expenses and salvage, paid by the Spanish claimant, had been \$11,668. The probable value of the slaves, at a fair estimate of the market price, was \$11,700, differing but a few dollars from the expense incurred, but Mr. Wilde, the petitioner before the House, had paid to the Spanish claimant \$15,000, to relinquish his claims. This he had done, as was most evident, from no motives of interest, for he bought the slaves at a loss, but because their case pressed deeply upon his own sense of humanity. He hoped that it would be some satisfaction to the gentleman from Virginia, (Mr. MERCEUR,) to receive this statement, as it satisfied a part of his inquiry.

Mr. WRIGHT, of Ohio, said, before the question was taken on the motion to recommit, he, perhaps, owed it to himself, and to the House, after what had been said, to explain more fully than he had done, his views of the case, as it appeared to him. He said, as he understood it, in the year 1819, a Venezuelan privateer, clandestinely armed in Baltimore, manned mostly by citizens of the United States, and commanded by a citizen, sailed on a cruise from that port. Off the coast of Africa she captured a vessel from the United States, from which 25 Africans were taken. She also captured several Portuguese and Spanish vessels, from all which Africans were taken, and, among others, the *Antelope*, owned by persons in the island of Cuba. She proceeded, in company with her prize, the *Antelope*, until she was wrecked, and her captain, and part of her crew, were made prisoners. The armament, and the residue of the crew, were shifted to the *Antelope*, which was afterwards captured by a revenue cutter of the United States, hovering on the coast of Florida, and brought into Savannah for adjudication, with 280 Africans. The vessel and cargo were labelled in the Circuit Court of Georgia—claims were filed, by the captain of the cutter, for bounty, or salvage—by the Consuls of Portugal and Spain for, and on account of whatsoever citizens of either country were interested—and by the United States, claiming them as forfeit for a violation of the laws of the Union, and those, also, taken from the American vessel, because of her piratical character. The Court in Georgia decreed those free that were captured from the American vessel, and others not claimed by the Portuguese and Spanish consuls, and decreed the rest to the proper owners of the Spanish and Portuguese vessels on their giving bond to re-

move them beyond the limit of the United States. These Africans had been thrown into the common mass, many of them had died, and having no satisfactory method of identifying those taken from each vessel, they were designated by lot. It so appeared in the decree, and he believed the whole were so designated. From this decree, so far as it regarded the persons claimed by the Portuguese and Spanish Consuls, an appeal was taken to the Supreme Court of the United States. On hearing, the Supreme Court reversed the decree of the Circuit Court of Georgia, so far as it regarded the claims by the Portuguese Consul, and affirmed the decree so far as it regarded the claim of the Spanish Consul. The court, however, did not affirm the decree, even to that extent, by the direct action of a majority of its members, but because they were equally divided in opinion on the question.

Mr. SPRAGUE said, that this bill provided for one of the alternatives in the report of the Colonization Society, but there was another alternative in that report which he also wished the Committee on the Judiciary to consider. The argument of the gentleman from New York (Mr. TAYLOR) had raised an inquiry of great importance, and which might prove of some difficulty; at all events, it could not be decided without a full knowledge of facts. The observations, too, of the gentleman from Virginia (Mr. MERCKE) had raised an inquiry which was not only highly important, but one which had excited in him utter astonishment. It suggested the possibility that the liberty of thirty-nine persons had in this case been decided by lot. If that had been the fact, then a solemn inquiry devolved on this House, whether, by the laws of the land, the liberty of any human being could be taken away by the casting of lots. As all these difficulties would press upon the House, if they adopted one alternative, the Judiciary Committee might possibly find it best to devise and report the means of embracing the other alternative, viz: the repaying of the sum advanced for these Africans, and permitting them to be sent, by the society back to Africa. He hoped that the committee (should the bill be recommitted) would pay special attention to that part of the recommendation of the society.

Mr. GILMER said, that he rose to present some additional information on this subject. The facts of this case were not such as some gentlemen who had spoken, seemed to suppose. The District Court of Georgia had declared, in their decree, that the identity of these thirty-nine slaves has been sufficiently ascertained. Mr. G. said, that he knew of no such thing as a lot having taken place in the matter. He then quoted the decision of the Court.

The question on recommitment was about to be put, when,

Mr. MINER moved to amend the instructions to the committee, by adding,

"And that the said committee inquire

whether it would comport with the interests of humanity, the principles of justice, and the honor of the Government, to adopt efficient measures to restore the Africans to the country and home from which they have been cruelly and illegally separated."

Mr. M. in offering this amendment, observed, that, if he understood the matter correctly, the Africans whose case was involved in the bill, had been captured on board a slave ship; they were subjects of the slave trade; they, at home, were as free, and, perhaps, as happy, as we are, and had as much right to freedom, Mr. Speaker, as you or I have. By the ruthless hand of slave traders, they had been torn from their home and country, and chance had thrown them upon our shores.

Mr. BARTLETT accepted the amendment of Mr. MINER as a modification of his motion.

Mr. GILMER said he would ask on what authority the gentleman from Pennsylvania (Mr. MINER) had assumed the fact that these thirty-nine Africans had been cruelly and illegally taken from their own country. He would ask, further, on what ground it was assumed that this Government has a right over the private property of one of its citizens? And also, how this House was going to alter a solemn decision of the Supreme Court of the United States? That court has decided that these slaves belong to a foreign claimant. By what mode can Government control, or in any way affect that decision? He knew of none. If the court of last resort has fixed the right of property, the Government has no control or jurisdiction in the case. These two difficulties were open and glaring. He could not but think that the amendment had been accepted by the gentleman from New Hampshire, without due consideration. These persons, for aught that appeared, might have been slaves in their own land. There were many slaves in Africa, held in bondage by the laws of that country. The property of the Spanish claimant, if any, was transferable, and might be as well held by a citizen of the United States as a citizen of Spain. There was but one condition attached to the tenure, viz: the re-exportation of the slaves. Gentlemen were greatly mistaken, if they supposed that it was not as valuable an object to the south, as it could be to the north, that African slaves should not be imported into this country.

The people of Georgia had a deep and peculiar interest that no such importation should take place; and he could say with great truth, that there were no persons in the world who held the slave trade in deeper detestation, or would do more to resist it in every possible way. It was the people of Georgia, and they alone, who were to say whether they consented that these Africans should remain within their territory. They, said Mr. G., are the only sufferers, and if Georgia says they may remain, then the right of the Spanish claimant (now purchased by Mr. WILDE) is perfectly un-

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*Captured Africans.*

[H. OF R.]

assailable: and it is equally so, if he performs the condition of this bond, and exports them within the specified period. Out of motives of mere humanity, this gentleman has expended more than \$11,000, but he has not divested himself of his right to hold these slaves; he cannot divest himself of it, nor will he yield it to any arbitrary power attempted to be exercised on the part of this Government. It is true, he offered these slaves to the Colonization Society, so that, if they would pay the expense he had incurred, the slaves should be placed at their disposal. This was his own free act, and it was in accordance with the feelings of every one—but, owing to the want of funds, their removal could not, in this manner, be effected, and there the matter ended. Mr. Wilde has never offered these slaves to the United States, on the same terms, or on any terms; and, if he had, the United States Government has no authority to expend \$11,000 belonging to the people of the United States for any such object.

Mr. RANDOLPH.—I now say, sir, without intending the least disrespect, that the amendment of the gentleman from Pennsylvania, (Mr. MINER,) and which has been adopted by the gentleman from New Hampshire, (Mr. BARTLETT,) affirms as a fact, what the petition, and the decree of the Court of Georgia, do positively deny. And it is certainly unbecoming of this House to say to one of its committees, as a fact, that which all the evidence before the House proves not to be a fact, that these people had been taken illegally. The resolution in its present form affirms that these slaves have been "inhumanly and illegally" taken from Africa. They may have been taken "inhumanly," but of this we have no proof—but as to their having been taken illegally we have the most positive evidence to the contrary, because they were claimed (and the claim was established by the tribunal in the last resort) by the Spanish and Portuguese owners, the Government of both of whose countries legalize the traffic. They could not, therefore, have been taken contrary to law. They were taken according to the laws, usages, and customs of Africa, and of the nations to which the claimants belong. They were as lawfully taken, probably, as any slaves who were brought into South Carolina and Georgia since the adoption of the constitution, under that clause of the constitution which permitted the traffic in slaves for a limited time. The taking and bringing of these was legal, according to the laws of America, and by the customs of Africa. We are, therefore, asked to affirm that the slaves mentioned in this petition were taken "illegally," when all the proof is to the contrary.

Sir, I am not going to enter into the question of the slave trade and slavery in the abstract. That man has a hard heart, or at least a narrow understanding—yes, and a narrow heart too, who would justify slavery in the abstract. But that man, although he may have a heart as capacious as the Atlantic Ocean itself,

has a narrow and confined intellect, who undertakes to make himself and his country the judge and the standard for other men and other countries. Sir, this very principle of interference with the conduct of other nations was one of the great objections to the revolutionists of France, and it was one of the greatest objections taken to the conduct of the high contracting parties at Pilnitz. We have no right to prescribe laws for other countries. God forbid, Mr. R. said, that he should ever defend slavery, or ever should, in any case, raise his voice against the cause of liberty. Though, said he, I might remind the House that slavery existed a long time ago. The mother of the Ishmaelites was a bond-woman; the Greeks and Romans about whom we hear so much were slave owners. Sir Thomas More, one of the wisest, and one of the most benevolent of men, could not complete his Eutopian Commonwealth without the aid of slavery. That it has existed, does exist; that it is an evil, no one will deny. But we have no right, on that account, to make laws for other nations, and in this case, the decision of the Supreme Court, to whom the case was submitted, is positive evidence that these persons were not illegally taken, and consequently were not illegally brought into the United States. I am now bottoming myself upon law—upon sheer law.

Sir, said Mr. R., there has a spirit gone abroad—both in England and here—it is now raging in England, perhaps, as much as ever fanaticism raged there in the time of the Covenant of the Round Heads—it is raging here, and I wish I could say that it does not exist even in Virginia. It is the spirit of neglecting our own affairs for the purpose of regulating the affairs of our neighbors. Sir, this spirit takes the plodder—yes, the plodder from the field—to become a plodder in the pulpit. It has taken the shoemaker from his last—and, what is worse than all, it takes the mother from the fireside and from her children, into a sort of religious dissipation, in which the Church is made as much a Theatre as the Grand Opera at Paris, or as Drury Lane or Covent Garden in London. This spirit renders home too dull a place, and renders it (if I dare to use a French word in this House, or a Latin one, without the certainty of being misrepresented) the very seat of *ennui*.

Sometimes our humanity is up for the Greeks—it has not yet, so far as I know, been asked for the Trojans—it may, very possibly, be some day up for the Trojans—and we are called to rejoice, in a victory of the three first powers of Europe over a handful of semi-barbarians, in the harbor of the ancient Pylos. Sir, instead of any triumph, in my opinion, that victory was a stigma—a stain—upon the naval glory of all those nations concerned in it—I mean of those who had any glory to lose. With immense odds in their favor, they attacked, and killed, and murdered, hand to hand, as brave a set of men as the sun ever shone upon. And what



are we to assist the Greeks for? To build up a nest of pirates in the *Ægean*? They were so of old—yes, sir, of old—long before the time of Ajax and Agamemnon—pirates they are—pirates they ever have been—and pirates they ever will be. Why, sir, our force will not be able, even in that small, placid—that halcyon sea, I might call it—to protect our own commerce from their row-boats and their corsairs.

In saying this, Mr. R. said, he knew that he was running against the prejudices of the country, and that philanthropy which was so much in vogue. But, said he, what was I sent here for but to oppose those prejudices whenever it is practicable?

[Here the Chair interposed, and reminded Mr. R. that the discussion ought to be confined to the amendment of Mr. BARTLETT, which was to strike out the last words of Mr. MINER's amendment to his resolution.]

Mr. R. resumed. If I am out of order, I submit to the decision of the Chair—what I said was only intended as illustration, in reference to the part of the amendment, which goes to assume that the slaves were illegally taken, when we have the evidence of the decision of the court in the last resort to the contrary. Sir, said he, I will put a case, which will further illustrate this controversy. Suppose that the British Government, instead of being anxious, as they are, to vomit forth the Lazaroni of Ireland—that wretched population who are reduced to the *minimum* and the *peissimum* too, of human existence—to the potato, the whole potato and nothing but the potato—was desirous of detaining them in Ireland—would it be “inhuman” in the captain of an American vessel—it certainly would be “illegal,” according to the laws of England—but would it be “inhuman” to bring a number of that wretched peasantry, ground down to the last turn of the screw of despotism, so that one turn more must rescue them entirely from it—the human family could not multiply under a feather more of weight—to bring a number of these miserable beings to this country! Sir, I will not say how much humanity and religion I have—I will say, in the words of a very great man, on another occasion, “none to speak of;” but it would be humanity to bring them all here. Yet, as regards the interest of my country—of the State of Virginia—I would hang any man who brings one of them into it. Yes sir, I would make it death;—for it would be inflicting a serious evil.

Sir, if this amendment be adopted, it goes to touch not only the legal right now under consideration, but the legal right to every slave in the country previously imported: for, if these thirty-nine slaves were inhumanly and illegally taken, then, according to the reasoning of the gentleman, all the rest which were brought into this country from Africa, whilst the constitution admitted their introduction, were inhumanly and illegally taken.

I will not trespass farther on the patience

and indulgence of the House, but, as a southern man, I will not suffer this matter to go any further, without making a solemn protest against any such preference as this, on the part of any branch of this Government, going to touch this question, or affect that right in any manner whatsoever. I protest against it as one of the humblest and lowest of the Virginia Delegation—and, sir, I never will sit silent here as long as any thing is brought before the House, which touches it in the slightest or the remotest degree.

Mr. MINER begged gentlemen to remember that he had no hand in bringing this subject before the House. The case of these persons was brought here by others. In speaking of the slave trade as illegal, I did not intend to speak in the precise terms of the lawyer, nor to embarrass the question with legal technicalities. The honorable gentleman must pardon me, but, because Spain and Portugal may legalize this traffic, I cannot regard it as legal, nor consent to speak of it as legal. This point is not to be settled for us by Spain or Portugal. We should regard and speak of it as statesmen, and the question of its legality should be determined by the higher laws of God and humanity. Those are the laws to which I referred.

Mr. MINER withdrew his amendment.

And the question being put on Mr. BARTLETT's original resolution, viz., to have the bill recommitted, with instructions to report to the House the facts of the case, it was adopted without a division.

#### *Case of Marigny D'Auterive.*

The remainder of the day was occupied in the consideration of the bill for the relief of *Marigny D'Auterive*.

Mr. DRAYTON, of South Carolina, said he concurred with the gentleman from New York, (Mr. CLARK), who last addressed the committee, in the wish he expressed, that the necessity should never occur of discussing the question now before the committee. But the necessity has occurred, said Mr. D., and the gentleman from New York has contributed at least as much towards it as any one who has engaged in the debate. The gentleman from Virginia (Mr. RANDOLPH) requested that no member from certain parts of the Union would condescend to discuss the main question which had been raised. With the most unfeigned personal respect for that gentleman, I shall rather imitate his precept than his example: for after the course which he had recommended, in a manner the most solemn and impressive, he afterwards entered into an argument which, perhaps, exhausted the subject. I undertake to say that, if it should ever here be seriously discussed, whether the master has a right of property in his slave, that no members would remain in this Hall, who represent the people of the States in which slaves are possessed. Rights which are secured by the constitution must endure as long as that constitution exists.

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Is it not an article of the constitution that private property shall not be taken for public use, without compensation? Is it not another, that the citizens of each State are entitled to all the privileges and immunities of citizens of the several States? Are these articles respected, if his property is ravished from the southern owner, and applied to the public use, without remuneration? Is he alone to be deprived of that which is enjoyed by every other citizen? Are these infractions of legal, and moral, and constitutional rights to be even justified by resorting to abstract subtleties and sophistical refinements? Let me entreat the committee to look at the real question which is before it. It is simply whether an individual, whose property has been impressed into the public service, is to be paid for the damages he has sustained by that act. Would the committee, apprehending clearly this question, ponder for a moment as to the answer to be given? If it pauses, upon the ground that slaves are not property—if it pauses to investigate and decide what Congress has no power to sit in judgment upon—the pause would resemble that which precedes the whirlwind and the tempest: it would be followed by the rocking of the fabric of our constitution to its base, and its prostration in the dust. Sir, when I listened to the sentiments which were expressed by some who have addressed the committee, particularly by the gentleman from New York, (Mr. CLARK;) when I heard them utter opinions pregnant with such baleful consequences, I shuddered. When I heard doctrines advanced, the recognition of which would dissolve the bonds of our confederacy, I trembled for my country. It has been openly avowed, that the United States, in virtue of the compromise in the constitution, by which slaves were represented, are entitled, in every military emergency, to take these slaves into the public service, without the consent or remuneration of their owners. Do the inhabitants of the South hold their property at the will of the United States? Are their slaves at the mercy of the Government? Can their proprietors, when it shall please this Government, be reduced to destitution and beggary? When such principles are promulgated, will our citizens calculate upon the value of the Union? If I know my countrymen, they would sooner perish; but they would perish with arms in their hands, dyed in the blood of those who would attempt to rivet upon them so degrading a vassalage. Did they submit to such degradation, they would deserve it: they would be fitter for slavery than freedom. And yet, sir, whilst professing doctrines leading to the direst issues, to the subversion of the confederacy, to bloodshed, and civil war, the gentleman (Mr. CLARK) talked, in impassioned terms, of justice, and benevolence, and religion. Sacred majesty of justice! are these thy dictates? Pure fountain of benevolence! do these precepts flow from thy source? Is this, O God of Mercy! is this the religion thou enjoinest?

Though somewhat drawn from the even tenor of the discussion, by giving utterance to feelings which could not be suppressed, I will, nevertheless, now endeavor to argue the question before us calmly, or rather those parts of it which admit of argument. As several gentlemen have spoken, to whom I wish to reply, in order to save the time of the committee I will compress the substance of what they have said in a few propositions, and trust that I shall demonstrate that they rest upon foundations which are utterly untenable.

Upon the topic of slavery, as connected with its existence in the Southern States, I hoped never to have uttered a syllable in this House; but, as it has been forced upon me, and as, in its discussion, much feeling is necessarily mingled, in order that sentiments may not be ascribed to me which I do not entertain, I will make some few remarks upon the subject. What I have hitherto said, has been founded upon right, upon strict and inalienable right—a right which belongs to my constituents and to myself, which it is both my duty and my inclination to defend and preserve to the utmost of my ability. Slavery, in the abstract, I condemn and abhor. I know no terms too strong to express my reprobation of those who would introduce it into a nation. I know no language of crimination too unqualified to be applied to those who are engaged in the African slave trade. An African slave ship is a spectacle from which all men would recoil with horror, unless the vilest lust of lucre had steeled their hearts against every feeling of humanity. But when we live in States in which slavery existed before we did, where it has grown with our growth, and strengthened with our strength, it has become so inseparable from, and interwoven with, our condition, as to be irremediable—or, if remediable, can only be so by the slow process of time. Our consolation is that we did not originate it; when a colony, we struggled against it; we found it at our birth; it was a part of our inheritance—from which we can no more deliver ourselves, than we can from the miasma of our swamps, or the rays of our burning sun. However ameliorated by compassion—however corrected by religion—still slavery is a bitter draught, and the chalice which contains the nauseous potion is, perhaps, more frequently pressed by the lips of the master than of the slave. All we can do, is, for our safety, to retain the slaves in a due state of subordination, and, for their sakes, and for the sake of humanity, to treat them with all the consideration and mildness which their condition permits. But, whatever we do, must be the work of ourselves. To understand how slaves ought to be treated, we must be among them—must be acquainted with their minds, temperaments, and habits. One not living among them, would be as unfit to establish rules for their government, as could be an ignorant empiric to prescribe a remedy for a disease which he knew only by name. We not

only are alone capable of devising the best practicable mode to be observed towards our slaves, but we will suffer none others to meddle with them. Slavery is a municipal institution, as unconnected with any control of the United States, as our corporations, our colleges, or our public charities. We would as soon permit others to invade the sanctuary of our dwellings as to touch it. We would as soon permit Congress to dictate to us in our domestic concerns,—in our social intercourse—to prescribe to us a system of religion, or a code of morals. We should receive any extrinsic interposition as an injury, and resent it as an insult. Much as we value this Union, we would rather see it dissolved than yield to such a violation of our rights. Much as we love our country, we would rather see our cities in flames, our plains drenched in blood—rather endure all the calamities of civil war, than parley for an instant upon the right of any power than our own to interfere with the regulation of our slaves.

[Here the debate closed for to-day.]

FRIDAY, January 11.

*Case of Marigny D'Autorive.*

The House went into Committee of the Whole on the bill for the relief of Marigny D'Autorive, the question being on the amendment moved by Mr. LIVINGSTON.

Mr. BUNNER, of New York, said: It is impossible for any individual, coming from my part of the country, to hear dispassionately and coolly, the language which has been used by the gentlemen of the South. We have, all of us, certain habits of thought, certain feelings and associations, inseparable from our nature, which education renders indelible, and which should be mutually respected. We ought to remember that, so fallible is human reason, and so much under the dominion of the circumstances which surround it, and impart to it their own character, that the same exact quantum of reason, as it exists north or south of the Potomac, exercised upon certain subjects, may perform precisely converse operations; and it therefore becomes us, when discussing any topic which thus alters the character of our rational nature, to practise a lesson of mutual toleration, of mutual forbearance. When our Southern brethren, therefore, giving utterance to the unbiassed dictates of their own judgment, on this irritating question, forbid us to touch or approach it; when, in their language of strong and indignant feeling, they warn us against the hazard of incurring the last and worst of political evils—they forget this peculiarity of our relative position. They do more, Mr. Chairman; for, arriving at the conclusion that this House has no power to decide whether a slave be property by virtue of their own natural reason, and inhibiting us from even an approach to that question, they claim the uncontrolled exercise of reason, and the expression of opinion, which they refuse to us.

There are two great divisions of property, in respect to their natures, that are separated from each other by a line as clear, and marked, as light and darkness. They are—that property which has no rational will and that which has. Both have been the subjects of ownership from the earliest ages, and the right of exclusive ownership over both, is of an origin coeval with the history of the world. The nature, however, of this exclusive right, is different, vastly different, in each; and the difference arises from the nature of the subject. No man who has the slightest glimmering of reason can confound them. No legislative body ever has confounded them. The confusion, whenever it arises, has its root in passion, prejudice, or ignorance. Our natural feeling in this, as in many other matters, overmatches all the sophistries of reason. For what man can view the death of his ox and his slave, with equal indifference? If such a man there be that man is not to be found north or south of the Potomac. We exercise over the one subject (however uncontrollable our political right and power may be) an accountable, a responsible, a moral agency; if not responsible here, at least hereafter. Now, sir, let me ask, if the framers of our constitution intended to blend these two subjects together in this their provision? Let me ask, if both had been intended, would not each have been as distinctly pointed out by words, as they are different in their natures? Let me ask again, what is this right of property which the master has over his slave? What but a right to his services, the right to his bodily and intellectual labor, either for life or for years, accompanied by the duties of protection and sustenance? If for either life or years, what difference can the gentleman from Louisiana, the first civilian of his country, among the first jurists of any, point out between the servitude of the slave, and that of a minor by the civil law, or an apprentice by our common law system? For the purposes of this argument, the legal duties of protection are the same in each, and the legal right to the services is the same. I know well, that there is an important difference in their respective conditions; but this is not within the scope of the present discussion.

I, for one at least, am free to acknowledge, what I religiously believe, that, guaranteed as the claimants and possessors of these rights are, by prescriptive right and by constitutional compact, they can expect nothing—they can hope nothing—they must lose every thing, if we attempt, by direction or indirection, to make or meddle with this subject of their exclusive jurisdiction. This is a topic upon which we of the one side, may speculate coolly; because one common consequence of evil to North and South is remote; the other, peculiar to the South, is present, pressing, and fearful. It is an evil of which the constitution has made them the only judges, as by its nature

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they ought to be—the only persons empowered and competent to alter, to soften, or to eradicate. They well know that any experimental tampering on our part, must be made at their sole risk, cost, and suffering. Is it strange, then, that, with the pledged faith of the nation, and the prescriptive right of ages for the guarantees of their title, they should be jealous of our interference? This, however, is a partial consideration. There is the other common danger to us both, arising out of it, and its necessary consequence, to which I have distinctly alluded. The dissolution of this Union is an event which no American citizen can contemplate without the most intense feelings for the national interest and national glory. I need only allude to it. Other causes may hereafter endanger or destroy this family of free republics, but this is the present danger, imminent and fearful. Mr. B. then insisted warmly, and at length, upon the injurious effect produced on public sentiment, and the patriotic sympathies of the whole nation, by those ill-judged and ill-timed appeals to certain feelings, and those menaces of direful consequences; in their proper time and place susceptible of producing powerful impressions and probably salutary effects; but if used on any other occasion, only wearing out and frittering their own power and weight. He then proceeded. Let me, then, entreat the gentlemen from the South to forbear pressing the discussion of this question upon every idle occasion. Let not the brain-sick theories of speculative men, in this House, or out of it, provoke them to it. Let them not start up, on every inconsiderate resolution which may appear to involve it, to protest against its being considered, thought of, approached, or touched. Let them rest upon their title to the subject as property. It is founded upon the same prescriptive right, upon the same pledge of national faith, with our own. Do the gentlemen if the South suppose that we can sanction an attack upon their rights, which must, in its principle, endanger our own? If we respect not the rights of property, as secure to them, do we not know that the time will come when others will cease to regard or respect our parchments and munitments? But they have a stronger hold upon us than even this. We cannot forget the blood that was prodigally shed by the gallantry of the South in securing that independence which the united wisdom of all has established upon its present basis. We remember who it was from the South that led us to conquest and to glory. Let them trust something to our generous feelings—something to the tie that binds us together. Let them wait until the evil is real, and not distant, contingent, imaginary. When some bold bad man, for mean and selfish purposes, shall attempt to make this contest the ladder of his ambition, whether upon unsound notions of political expediency, or the pretences of impracticable benevolence, they will then find that the North will be true (I

speak the language of experience) to them, true to itself, true to the Union. The gallant spirits from South Carolina may then pour forth, in the strong language of passionate eloquence, those truths, the force of which the coolest men will acknowledge, and the dullest will feel. Let the gentleman from Virginia then raise his clear, distinct, and thrilling voice, let him put forth his great energies upon a subject worthy of them—he will find a respondent feeling in the North. He will then discover, when the danger is real, that the sympathy is common. Men of all classes and all descriptions will answer to his call. The danger of this Union will then become a natural object of religious dread and reverence to both North and South. Embracing, as it does, recollections and events, which have both instructed, astonished, and appalled the European world, we will stamp with infamy the man, or combination of men, who attempts to hazard it by an attack upon this, one of its vital principles.

The amendment offered by the gentleman from Louisiana goes to indemnify the master of a slave impressed into the public service, by the order of General Jackson, and wounded by the enemy while thus in the public service, for the deterioration in his value caused by the wound thus received.

This amendment is resisted by the gentlemen who have argued in opposition to its adoption, upon various grounds. It is resisted by the gentleman from Ohio, (Mr. WHITTLESBY,) upon the practice of the Government, as illustrated by various precedents recognizing the principle that slaves are not put on the footing of property, and paid for when lost to the owner, in the public service. By the gentleman from New York, a member of the Committee of Claims, on the ground that it is the right of the Government, when threatened with destruction, to use slaves for the purpose of national defence, and that, too, without being liable to be called on for indemnification. By another gentleman from New York (Mr. STORAS) upon the ground, that the right of the master in his slave is a right to his services under all circumstances whatsoever, and also to the absolute, unqualified control and custody of his person; so that it cannot be taken from him for purposes of service, nor his actions regulated by any power but his own, save when the State lays its hand upon him for the punishment of crime, and the preservation of public peace. By all these gentlemen upon the analogy between master and servant, and master and apprentice. The claim is farther resisted upon the ground of political inexpediency.

The gentleman from Ohio has, for a long time, been a distinguished and laborious member of the Committee of Claims. He knows full well the great weight which the decisions of preceding committees, and the opinions of enlightened statesmen, have on the judgment of those called to act upon analogous questions. He has, therefore, with great industry, culled

from the Journals of this House, reports of various committees on questions of the like character with the one under discussion—establishing, as he argues, the correctness of the position which he has assumed in opposition to the amendment; and from which he argues that the practice of the Government has been to withhold indemnity for slaves injured when called into the public service, as D'Auterive's slave was. With great deference to the judgment of that gentleman, the reports referred to recognize no such principle. The principle recognized in these cases presented to the committee, is, that, when a slave is voluntarily carried into the military service of the country, by his master, being an officer, and substituted by the assent of the officer commanding, for the servant which the Government was bound to provide the master with, that then the Government is not bound to indemnify the master for injury sustained by the servant while thus employed. The cases referred to, are cases of substitution by agreement. The first case is the report of Montgomery, who was a lieutenant, who carried with him his servant as a waiter, who was killed. The committee in that report, say, if the Government should be compelled to pay for the negro, they would stand as the warrantor of the value, instead of making a reasonable allowance for him as a waiter—placing the resistance to his application for relief upon the spirit of the implied agreement, which was not one of warranty but of compensation.

In accordance with this principle, recognized in this first application to the Government for relief for slaves injured in the public service, the claims of Lawrence, Evans, and Shaw, were rejected, inasmuch as all of those claims were for indemnity for the loss of their slaves, who were substituted in the place of the waiters which the Government, by its army regulations, had itself promised to these officers, to be taken from the ranks. The application now made for compensation comes not within the rule of substitution, for it is a case of impressment, where the Government, bound with the obligation of the general defence, omitted to provide the means essential to protect the country against the invasion of the enemy, impresses or takes, without the consent of the citizen, his slave, and employs him for the general welfare.

The next report referred to by the chairman, is the case of Purkill, who was impressed by the order of General Jackson, and, when the men were called to man the lines on the 8th of January, was sent to throw up entrenchments, in the doing of which he contracted a consumption, of which he died. The committee that reported on this case, were of opinion that, as it was a case of consequential injury, the Government was not bound to indemnify the owner; and when the committee report adverse to this claim, because the injury was consequential, it does appear to me, Mr. Chair-

man, that, if the injury had been direct and immediate, in consequence of a wound received in battle, they would have reported in favor of Purkill's claim. Indeed, it does appear, from the distinction taken by the committee, that they admit the liability of the Government for indemnity for immediate and direct injury, but not for remote or consequential injury. If, in their opinion, the Government was exempt from the obligation of indemnity for injuries done to slaves while impressed in the public service, I can see no reason for the distinction assumed by the committee between direct and consequential injury, upon which this report reposes. Thus, sir, it does appear that this is the first case in which this House has been called on to decide if there be any claim on the justice of this nation to indemnify a master for an immediate and direct injury, resulting from a wound received from the enemy by his slave, while impressed into the public service. The whole power of precedent is thus removed. There is no practice of this House; no principle recognized by the treaty-making power; no act of the General Government, which rejects this claim.

Let us then see how it stands on principle. The gentleman from New York says, that the constitution, for certain purposes, regards slaves as persons, and for a very important purpose. It gives to their masters, in their right, a portion of our national representation, and the equivalent yielded for this increase on this floor, is the right of this nation to call those slaves to the general defence, in times of great national emergency, and that, too, without incurring any responsibility on the part of the Government, to indemnify their masters, for their loss in battle. It is a subject of congratulation, sir, that no other gentleman, in debate, has relied upon this constitutional doctrine, in resistance to the proposed amendment. Whenever this House shall recognize in the National Government, the right claimed for it by the gentleman from New York, it will carry alarm and dismay through the southern sections of this Republic. If this nation is vested with this implied power of taking this species of private property, upon any great political exigency, for the common defence, without making just compensation to the owner, the citizen has no constitutional security for the acquisitions of his labor; and, if this distinction is recognized by this House, between slaves and other kinds of property, it will engender in the minds of our people, jealousies and distrust. They will be led to believe, that that species of private property which is most common in the South, will be placed within the grasp of the national arm, without just compensation to the owners; while the property and the wealth of the non-slaveholding States is shielded against its power by the restrictions imposed by the constitution in protection of private property. A recognition of such a distinction will be highly invidious, and cause much just dissatis-

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faction. But this branch of the prerogative claimed for the Federal Government by the gentleman from New York, alarming as it may be, is nothing, when contrasted with the terrific power, which he also says was yielded up by the Southern States, at the adoption of the constitution, as the equivalent for an increased representation on this floor. This power, he says, thus yielded to the General Government, was the power to embody our slaves, to discipline, to arm them—in fine, the power to place the lives of the master in the hands of the slave! It cannot be that the South ever consented to yield such a prerogative to the National Government. The magnitude of the grant is of too appalling and terrific a character for this House, for the gentleman from New York, upon deliberation, to believe, that the compromising temper of the constitution, in relation to representation, eventuated in arming the National Government with such an unrestricted control over this species of property, which, according to the gentleman's views, not only may be taken without equivalent, but which, when taken, may be so used as to produce the most horrible results!

I forbear pressing any further this aspect of his position. My object is not to produce excitement.

MR. LIVINGSTON, of Louisiana, had not the least idea that such a spirit could have been excited as had been manifested in the House; and, so far from having deserved the reproach of unnecessarily stirring an important and delicate question, the amendment he had proposed could not, as he thought, hurt any honest prejudice, or give the slightest shock to the most sensitive mind; on the contrary, in itself, it involved nothing but a question of plain obvious justice. He had, however, with deep regret, perceived, that it had been made the occasion of introducing the most dangerous and destructive doctrine; and, having no desire to prolong or to increase the excitement growing out of this debate, it was his intention, before he resumed his seat, to withdraw the amendment he had offered. Justice to himself, however, required that he should state his reasons for so doing.

It had been said that the excitement had been unnecessarily raised by those who had introduced and supported the amendment, and that there was nothing in the report of the Committee on Claims which in any wise called for it. It was on this point alone that Mr. L. said he wished to be heard. Gentlemen have said, "You have, without reason, raised a commotion, which the subject did not call for; you have grown warm, and have insisted that this is a most serious question, but, if it is a serious question on your side, it is no less so on ours." This was what he wished to examine. He held that, while the principle involved in the amendment was a most serious one, indeed, to the slaveholding States, it was absolutely nothing to those States where slaves were not

to be found; and so certain was he, that it would be so considered, that he would have been willing to submit it to William Wilberforce, or to the Apostle of Abolition, Caleb Lowndes himself. Gentlemen from the Northern States might, with some reason, have had their feelings of humanity roused, had it been proposed either to increase the number of persons in slavery, or in any manner to aggravate the hardships of their condition. So far as this, he fully entered into their feelings, he agreed, and he felt with them. But what is the case here? A man has had his slave injured, while taken by force to labor in the public service. The facts are settled, and the amount of damages ascertained. The only question is, shall we pay the demand? Now, sir, asked Mr. L., how are the feelings of humanity involved in such a question? Will the miseries of slavery be any lighter if we do not pay it, than if we do? Will the number of persons in slavery be increased by our paying, or diminished by our refusing? What good feeling will be gratified by our refusal? None that I can conceive of. Sir, is this a fair view of the case, or is it not? Be the prejudices of gentlemen ever so inveterate, even prejudice itself cannot be injured, by doing an act of manifest justice. And gentlemen must pardon me for saying, because I state what is the fact, that I have not heard so much as the shadow of a reason for refusing the payment.

Our slaves have never been employed as soldiers—never have been impressed as such—our foes are to be repelled *non tali auxilio, nec defensoribus istis*. To defend our country is too honorable an employment to be trusted to, or divided with slaves. We claim that function for ourselves. The same gentleman asks, Shall an officer of the United States, because he has epaulettes on his shoulders, and a sword by his side, be permitted to take the slave from his master, and shall we indemnify him for the illegal act? Sir, this is not a bill of indemnification, and the act, though an invasion of private property, is one of those cases in which such invasion is allowed by the constitution, under the obligation of giving compensation—which obligation it is the intent of the amendment to fulfil. It is not an illegal act, done with a good intent, against the consequences of which Congress have generally thought it right to indemnify their officers; but is in case of property taken for their use, and lost in their service, by their act. It was not because the officer had epaulettes on his shoulders that he took this property, but because he had a head thereon that had formed the unbending resolution to use all the means in his power to defend his country; because he had a heart in his bosom that could feel and provide for the wounded soldier, whom this negro, and the cart which he drove, were employed to convey from the field where their blood was shed for their country.

This is the case which my amendment was

intended to provide for; one that could excite with propriety no warmth, and could hurt no prejudice; but it had been encountered with arguments that were indeed dangerous, and could not fail to produce the greatest excitement. Seeing, therefore, a disposition to protract the debate, and delay, by the discussion of this item in the claim, the larger amount to which it was acknowledged the petitioner was entitled, he thought he would be serving his interest in withdrawing the amendment, with the intent of renewing it when the cooler reflections of members should show the justice of this claim, or of others depending on the same principle. In doing this, (said Mr. L.,) I yield to the request of friends, for whose opinions I have the highest respect; but I yield nothing to the dangerous doctrines to which I have alluded, and which, I trust, a consideration of their consequences, and their injustice, will induce those who now support them to abandon.

Mr. GURLEY expressed his regret that his colleague had withdrawn the amendment. It was now too late to prevent excitement; and as he apprehended that a majority of the House was prepared to pass the amendment, and as other cases resting on the same principle would, in all probability, arise, he felt himself bound by duty, and he did it with reluctance, to renew the motion for amendment.

Mr. RANDOLPH said, that he rose with the intention of making another motion. As (said he) the gentleman from Louisiana (Mr. LIVINGSTON) has done us the favor to take away this bone of contention—for it is but a bone—from the House, I trust we shall have no more trouble from that quarter. But I feel myself called upon to state, with regard to the gentleman from New York, (Mr. BUNNER,) who has spoken to-day, but whom I do not now see in his place, and whom I sincerely thank for his remarks, that it was not the amount in dispute, but the principle involved, which brought about that contest with the British Government, which ended in our Independence. For that gentlemen I have every kindly feeling. I knew him (and this puts me in mind of a disagreeable subject—and that is, how old I am) when he was hardly more than an infant: but if that gentleman had been as long or even half as long as I have been, a member of this House, he would have seen the necessity of acting on the old maxim, "*principiis obsta, venienti occurrere morbo*."

I remember the first time this question was stirred. I was in the lobby, and was an attentive auditor—it was under the first Congress—and my venerable friend from North Carolina (Mr. MACON) would support me in the recollection—he was a member of that Congress—no—he was not at that time—for North Carolina herself was not then a member of the Union—it was in the first Congress—and I believe I remember almost every time it has been brought forward since—for this has not been attempted

once—or twice—but a thousand times—not by storm—but by *sap*. Sir, we ought to remember the sentiment—*non vi, sed saepe cadendo*, and not permit it ever to pass, no matter in how demure and apparently trivial an aspect it may be presented.

I do not intend to abuse the indulgence so kindly accorded to me by the committee, both now and on a former occasion—but I must remind the gentleman, (Mr. BUNNER,) that when, in the words of Hotspur—or rather of his uncle Worcester—"this heat was struck up"—some gentlemen were doing here—what has been tried elsewhere—to establish the principle that there is a law of God, which supersedes the laws of the functionaries of the land—that the legality or illegality of a measure is to be judged not by our social compact, but by some other code—of which there are as many different interpretations as there are sects. With a view to allay the excitement which has been produced, I now move to lay the amendment on the table.

The Chairman reminded Mr. R. that no such motion could be received in Committee of the Whole.

Mr. GURLEY said, that he regretted exceedingly that his colleague should have been induced to have withdrawn his amendment. It was now too late to prevent the excitement that he appeared to deprecate. That he believed the amendment was in accordance with the opinions of a majority of the committee; and as other cases rested on the same principle, would in all probability arise; and as it proposed merely an act of strict justice to the petitioner, he felt bound by a sense of duty (although he did it under existing circumstances with reluctance) to renew the motion that had just been withdrawn. In doing this, he could assure the House and his honorable colleague, (Mr. LIVINGSTON,) that the excitement, if, indeed, any existed, should no longer continue by his agency.

I will now proceed to show, said Mr. G., that the amendment I offered ought to be adopted. It appears from the testimony, that during the invasion of Louisiana in 1814, a cart, horse, and slave, the property of the petitioner, were impressed into the public service by order of the commanding general. The Committee of Claims, in the bill under consideration, propose to pay for the cart and horse. The amendment proposes to pay for the injury sustained by the slave from wounds received while in service, and upon medical attendance consequent for those wounds.

On the 23d of December, when the enemy appeared on the banks of the Mississippi, within six miles of New Orleans, to the number of three thousand men, the flower of the British Army, and the boasted invincibles of Lord Wellington, you had not a breastwork, nor a fortification of any description—not a solitary cannon planted to sound an alarm, or check their progress to that great and all-important em-

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porium of the west. The whole of the disposable force of General Jackson, at this time, did not exceed fifteen hundred men, and more than half of that number were militia men who had had never seen a field of battle. What was to be done? Delay was ruin, and an attack almost certain defeat. Under these trying circumstances, the commanding general did not hesitate. He instantly resolved to meet the enemy; and this small, but gallant band, collected at the beat of the drum, were led by him to the field of battle. The contest was long and bloody. The combatants were at last separated by the darkness of the night; and the remnant of this little corps were planted on that memorable line which was destined to be illumined by the glory of the 8th of January. This sudden and desperate attack spread consternation and alarm into the ranks of the enemy. He resolved to wait for reinforcements from his fleet. General Jackson knew well the importance of this delay, and he lost no time in strengthening his position, and fortifying himself in the best manner time and circumstances would permit. Breastworks were to be thrown up, fortifications erected, and the whole means of the country were requisite for these operations, on which depended the salvation of the city. It was under these circumstances of high and pressing necessity the property in this case was taken. I now submit the question to the committee, whether, under all the circumstances of the case, the impressment was not justifiable. If there be one individual in the nation who doubts it, I envy him not his candor or patriotism.

An attempt has been made to liken the case of slaves to that of apprentices and minors; but there is no analogy whatever between them. The military power of this nation is confided by the constitution to the Congress of the United States. They have the authority to enlist, to arm, and to organize the militia. Apprentices and minors are citizens; they form a part of society, and are enlisted by the delegated authority of the whole. They, like others, must consent to part with a portion of their natural rights; and, like other freemen, are bound to protect themselves and their country; but this is not the case with slaves. Slaves are no part of the militia; and if the Government have the power alleged, one thing is certain, they have never yet exerted it. When the gentleman from New York (Mr. CLARK) will show me an act of Congress for the enlistment of slaves, I will show him an act which he will admit to be a dissolution of this Union. But there is no such act. Apprentices are taken according to law; slaves are not, and cannot be.

Gentlemen deceive themselves, therefore, in supposing that this slave was taken as a part of the military force of the country. He was no more taken as such than was the other property; and there is no power in this Govern-

ment that could authorize the employment of slaves as soldiers.

Mr. Chairman, I have stated briefly my views on this subject, and the motives that induced me to offer the amendment; and it is, in my opinion, due as an act of justice to the claimant—it is due to the character of the Government—to the transactions with which it is connected—and more especially it is due to the reputation of that gallant and distinguished individual, who, in the most gloomy period of the war, and under the most pressing and desponding circumstances, had the moral courage in defence of his country, to exercise the power which produced the individual injury proposed to be compensated by the amendment. By rejecting the amendment we virtually declare this meritorious act a wanton exercise of usurped authority.

Mr. INGHAM said: My object in rising at this time, has been, if possible, to narrow the ground of discussion. For I apprehend, with all submission, that the true point in this case has not yet been touched at all. If I understand the claim intended to be provided for by this amendment, it is for the loss of time and expense of medical attendance of a slave, who was impressed shortly before the battle of New Orleans. The demand was opposed by the Committee of Claims, on the ground that slaves do not constitute a species of property, which is to be paid for at the public expense, when pressed into the service of the United States; and farther, that slaves are not liable to impressment, and, therefore, ought not to be paid for when impressed. The fallacy of the argument embodied in the report has led to all the embarrassment as well as to all the excitement, which has taken place on this occasion. I think it has been shown that the war-making power is an attribute of sovereignty, (if there be any sovereignty in Government at all,) in order that all may be preserved for whose sake the Government was instituted. And if this attribute of sovereignty is in the Government, shall a city, threatened with capture, pillage, conflagration, and the violation of women, not be defended till those charged with the defence come down and chaffer with perhaps a disaffected partisan, whether his cart, and horses, and slave, may not be used in the construction of a breastwork for the defence of that city? Yes, sir. Whether the public demand affects his cart, or his horses, or his slave, or his son, or his brother, or himself, all must be surrendered, and the country must be defended. But we are told that, though his horse and his cart may be impressed, and if injured, must be paid for, that slaves are not that species of property for which compensation is ever to be made. But, sir, do we read any thing about species in that article of the constitution which declares that private property shall not be taken for the public use, without just compensation? If I understand the word property, it is a generic



term. The constitution does not say that a certain species of private property shall be paid for, if taken, but it says, "that private property must be paid for, if taken for the public use." It was also said, that apprentices, minors, and persons held to service constitute a kind of property that ought to be paid for. Now, my principal object is to satisfy this committee, that these two descriptions of property may be brought under the same rule, and justice done without any difficulty.

The right of property to a slave, and to an apprentice, if not identically the same, are as nearly alike as two things can possibly be, and they should be paid for under the same circumstances, and in the same way. There is no incongruity whatever between them. I maintain, that the right of impressment is a perfect, and not a qualified right; that it is a necessary attribute of sovereignty, and applies equally to a slave, an apprentice, a brother, or a son. But when this right is exerted, what is to be the rule of compensation? This is the gist of the question. The constitution says that when private property is taken for the public use, just compensation shall be made. Now what is just compensation? It is a payment for the services of the person, or for the use of the things impressed. If a horse is taken, you must pay for the use of the horse; if a slave is taken, you must pay for the services of the slave; there is no distinction in principle.

The friends of the amendment are contending for a principle—a principle which deeply concerns them, and hence the excitement which has been produced. To test that principle, let me put a case. An officer is charged with the defence of a city threatened by the enemy. To effect that object he is bound to exert all the powers of the Government, so far as they are entrusted to his hands. In the neighborhood of that city, there are two different persons, both owning slaves: he applies to both for the use of their slaves, to be employed in the public defence. One of the slaveholders willingly consents: he says to the officer, take my people in welcome; it is true, I expect hereafter to be compensated, but I will not chaffer now. They are wanted, and let them go. The other slaveholder, traitorous in heart, or having, perhaps, a mistaken notion of his rights, refuses his slaves, and they are taken by force. What is to be the rule of your compensation to these two persons? The rights of the general extended alike over both. Will you adopt a different rule of compensation in one case, from what you adopt in another? Is not one entitled to the same rate of pay with the other? Will you acknowledge, that you were, in the one case, a trespasser, and will you therefore pay the last slaveholder, and not the first? Surely not. The rule of compensation must be the same in both cases: for the constitution requires, in both, that you make just compensation? And what is just compensation? Need I discuss it farther? Whether the gen-

eral contracts for the slaves or takes them with the consent of the owner, without special contract, the rule of compensation must evidently be to pay the same price as would be paid for the same services in a transaction between man and man. Can there be any other rule? In private contracts, the employer is bound to compensate according to the kind of service performed, and the length of time during which he employs it. It is precisely so with impressment. The Government impressing is bound to compensate the owner for all descriptions of property whatsoever, and according to the time during which it was employed in the public service; this, I think, is too clear to be disputed.

The committee then rose, reported progress, and obtained leave to sit again.

MONDAY, January 14.

*Case of the Captured Africans.*

Mr. WICKLIFFE, from the Committee on the Judiciary, to which was committed the bill from the Senate, "to authorize the cancelling of a bond therein mentioned," with instructions to report the facts upon which the bill was reported, made a report, which was ordered to lie on the table.

*Amendment of Rules—Stenographers.*

Mr. RANDOLPH said, that like the gentleman from Kentucky, (Mr. WICKLIFFE,) he came here with the hope that nothing would be introduced to disturb the harmony or interrupt the business of the session. I had come to the understanding with myself, (said Mr. R.,) that I would introduce no measure which might in any degree retard or impede the execution of that business. But I am constrained, by peculiar circumstances, to throw myself upon the attention of the House on the subject of its rules and orders. Without some alteration in them, we shall not get through the session with that convenience and despatch which the public interest requires. We have adopted the rules and orders of the preceding Congress—but we have power to alter them. I had intended to call the attention of the House to the subject before the difficulty which arose this morning, and I shall now move a reference of the rules and orders of this House to a Select Committee.

[The Chair here pronounced such a motion to be out of order at present.]

I rose (said Mr. R.) only to give notice of the motion which I intended to make. We have voluntarily placed ourselves in a situation which enables a few members of the House to forestall any subject, whether they are for or against it.

[The Speaker here said that Mr. R. might get at the object he desired by moving to postpone the orders of the day, &c., with a view to take up this subject.]

Well, sir, said Mr. R., then I make you that motion.

[The orders of the day and business on the

JANUARY, 1828.]

*Amendment of Rules.—Stenographers.*

[H. OF R.]

Speaker's table were then postponed upon Mr. R.'s motion.]

When first I was acquainted with this Assembly, said Mr. RANDOLPH, the rules and orders hung up, in fair, large round text, on a single placard; but now they are grown to a volume. I was at that time acquainted as perfectly with the rules and orders as with the Alphabet, and I should as soon have made a mistake in the one as in the other. But I have grown gray in the business of this House; I have been a member of this House until I have grown out of all knowledge of the rules of our proceedings; and why? Because they are complicated in the extreme, and highly unparliamentary. Now, sir, as on taking that chair you have restored one good old rule, the practice of which prevailed under the administration of the Muhlenburgs, the Trumbulls, the Daytonas, the Sedgwicks, the Macons, and the Varnums—under every Speaker, I believe, but one—that of calling us over by our Christian names, as well as our surnames, which enables us all to know each other, so I hope to see restored some other good old rules. I shall at present confine myself to two items in the account. The first is, the practice which has just occurred—it is unheard of—that a motion shall be snipped off in this way; and it never was practised until the change in the rules. The other rule to which I will call the attention of the House, is one on the consideration of which the character and dignity of the Congress of the United States, at home, as well as abroad, materially depend. I will read the rule as it now stands.

“Stenographers, wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them, on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.”

This may be a presumption so strong as to the will of the House, that no Speaker of this body, having a due reverence for public opinion, will refuse an application made under it for admission—I might say, can refuse. But then, by adopting this rule, we make whatever these stenographers may chose to publish, our own: we stamp it with at least a semi-official authority. I happen to know—I was informed of it but yesterday—I was informed of it by a distinguished foreigner, attending the debates of this House, that the gallery is a better place for hearing than any other part of the House—and that he had retired to it for that purpose. I know that the debates in the House of Commons are taken, and faithfully taken—for though they are compressed, it is a miniature likeness—by persons whose seats are in the gallery.

The public mind, at present—it would be folly, and worse than folly to deny it—is in a state of great excitement. A reaction of public sentiment is fondly predicated in some quarters, and as fondly looked for a new advent—and this House is made—I do not say by the

members of it—that would be disorderly,—and more, it would be indecorous—but it is made the theatre of electioneering. And I ask you, sir, what more powerful lever would you demand—what firmer fulcrum would you have for such a purpose, than to give to the people of this country the debates of this House in such a manner as to throw a shade on one side, and, at the same time, to cast a light on the other?

I should not have stirred in this, did I not feel myself personally aggrieved. I have no purpose, whatever, of entering into a contest with the press—I have not lived to my time of life, without knowing how vain a thing that is—and with what fearful odds it is undertaken. I only use my privilege to rescue myself, as far as I can, from misrepresentation—nor is this at all on my own account. I could bear it—as I have bore a thousand misrepresentations from the same quarter: it is only because it injures the cause—the good cause, with which my humble name has been very humbly associated. I say, sir, and I bottom myself on what we have all seen—that it does not comport with the dignity of this House, or the interest of this people, to lend even a semi-official sanction to that which is notoriously false.

For what purpose are stenographers admitted to the places assigned them? It was not surely that we might figure in the newspapers, or rather be disfigured in them, but it was for the information of the sovereignty of this country, the good people our constituents. Now, when a member feels himself misrepresented, and asks for a correction of the error—after much slow, reluctant, (but not amorous) delay, he is told, that if he will send his representations, they shall be admitted into a certain book, which these persons happen to be publishing. Sir, do we admit stenographers on this floor, that they may first sell us in detail, and then sell us wholesale? Or, do we admit them for the information of the people of the United States? I ask, for which of these two purposes that I have mentioned, are they admitted? Sir, I have seen that book—and I have seen myself caricatured in it. I have seen these prints on the other side of the Atlantic—and have there seen words put into my mouth, which I never could have uttered, unless when I was asleep. I have seen them on the tables of the most respectable club houses in England—I have seen them at Galigani's in Paris.

In the debate of Friday last, I did say that I would punish with death any man who should violate the law forbidding the introduction of Africans into the State of Virginia. In the report of what I said, as “the learned gentleman from Louisiana” was transmuted into “my learned gentleman from Louisiana,”—(there never has been any hostility between us—but there has been no particular friendship—and as I said in another place, I will not permit friendships to be made for me by any one—I choose to make them myself—I was, and I take pride in saying it, a humble coadjutor with that hon-

orable gentleman—the youngest in the corps—in putting down an administration thirty years ago, and I should be happy to aid in doing the same now—and I should be proud of what I am sure I should receive, his aid and comfort in the process—so these blackamoors have been whitewashed—and they are all converted into Irishmen! A more mischievous, or a more wicked misrepresentation was never sent abroad than that. We all know there is an immense population of Irish and descendants of Irish among us—and why do we know it? Sir, we have felt it; they have fought our battles in the field—they have filled the ranks of our army; they have distinguished themselves in our Revolution, at Brandywine, and elsewhere; and these men are to be insulted, and their feelings lacerated, that this House may be made an electioneering theatre, and the cause on one side may be put down, and that on the other side may be propped up.

I regretted to see the proposition introduced by the gentleman from South Carolina, the other day, against which I was compelled to vote; and I regret now to see a proposition introduced, which must lead to effects of which I will not now speak. I came here thoroughly convinced, that this was not the hour for reform; that the disease must run its course—and that, on the 4th day of March, 1829, the doctor or the patient must die—the safety of the one implies the dissolution of the other. I feel constrained, however, to endeavor to have the rules and orders altered, in the one point I mentioned, and in some others.

I will call the attention of the House to another rule, which I wish to see altered. [Here Mr. R. read the following:]

“The Speaker shall examine and correct the journal before it is read. He shall have a general direction of the Hall. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.”

The adoption of this rule was contemporaneous with the change in the manner of calling our names.

This is a dispensation which the Muhlenburgs, the Daytons, the Sedgwicks, the Macons, the Varnums, never claimed or enjoyed, nor was it ever enjoyed by Chairmen in Committee of the Whole. I remember that I saw John Cotton Smith sit in the chair for seventeen or twenty hours—I don't recollect which—and I have been glad to see that you, sir, are content not only to receive the salary, and enjoy the patronage and honor of your high office—for high it is—but deign also to perform its duties. This rule also, I wish to see altered.

I thank the House for their politeness and attention, and I conclude with moving that the standing rules and orders of this House be referred to a Select Committee.

The motion was agreed to.

#### *Old Sedition Law.*

Mr. HAMILTON said, that he had some time since given notice that he would on this day call up the resolution he had had the honor to submit on the subject of the Alien and Sedition laws; but in consequence of having learned that the appropriation bills introduced by his friend from South Carolina (Mr. McDUFFIE) would be taken up on Wednesday next, not wishing to impede the course of those important bills, he would, for the present, postpone his resolution, but would embrace the earliest opportunity of calling it up after those bills should be disposed of.

#### *Cumberland Road.*

Mr. BUCHANAN said, that it would be recollected by many gentlemen upon this floor, that, at the last session of Congress, when the bill for the preservation and repair of the Cumberland road, which provided for the erection of toll-gates within the jurisdiction of the States through which it passes, was before the House, the session was so far advanced, that time did not remain to discuss and settle the important principles which it contained. Some days after that bill had been reported, I presented an amendment to it, which I gave notice I intended to offer, when it should come before the House for discussion. This amendment provided for the retrocession of the road to the States through which it passes, upon condition that they should keep it in repair, and exact no more toll upon it than might be necessary for that purpose.

As the Cumberland road then required immediate repairs, there was a general understanding throughout the House, that a simple appropriation should pass for that purpose; and that the decision of the question which would have arisen upon the bill, as reported, and upon the amendment which I had proposed, should be postponed until the present session. The same bill for the erection of toll-gates under the authority of Congress, which had been reported by the Committee of Roads and Canals, at the last session, has been again reported, at this session, by the committee. For the purpose of bringing the whole subject fairly before the House, and of preventing any unnecessary delay, I, therefore, again present the amendment which I intended to offer, at the last session, and move that it may be printed; and I give notice that I shall offer it, when the bill for the preservation and repair of the Cumberland road shall come before the House.

Mr. BUCHANAN submitted to the House a paper containing an amendment to the bill for the preservation and repair of the Cumberland road; which was ordered to be printed.

TUESDAY, January 15.

#### *The Captured Africans.*

Mr. HALL submitted the following:

*Resolved*, That the Committee on the Judiciary

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be instructed to inquire into the expediency of settling, by law, under what rules and regulations private property (if to be taken at all) shall be taken for public use.

Mr. H., in explanation of the object of his resolution, said, I have risen to present a resolution to the House which has been suggested to me by a debate, some time, nearly a week or ten days, carried on in this House, upon one of the simplest, most plain and circumscribed questions which I have ever known to engage the attention of any deliberative body, for any length of time. I am still more astonished that the debate should have been so protracted, after hearing, from all sides (if my memory serves me rightly) the admission, that the article in contestation was property. After this admission, I conceive, the door was closed against debate, beyond the mere question, whether that which was sanctioned by the constitution and law, should be done in this case? I am not certain that legislation on this subject is necessary or practicable. I should, however, suppose that it was competent for Congress, by some declaratory act, explicitly to recognize the principle, that what the State laws decide to be property, shall be so recognized by this House in its legislation in relation to property. It is a question which peculiarly belongs to the States. But, as things now stand, we are placed in this most anomalous situation. Acts expressly recognized by the constitution, or within its contemplation, may be performed by certain persons, and yet such acts are contrary to law, and the actors, or performers, subject to punishment for them.

Mr. TAYLOR hoped that the gentleman from North Carolina would not press the consideration of the resolution this morning. During the late war, a resolution of nearly the same tenor had been introduced into the House. It had been decided at that time with great unanimity, that impressment was a violation of all right, and could only be excused by the extreme necessity. It was, therefore, not a fit subject for regulation by law. It did not become Congress by a law to provide for the violation of all law, nor to provide for the exercise of rights, if rights they were, when all law is silent.

Mr. HALL, in reply, said, I do not know, Mr. Speaker, whether I perfectly understand that clause in the 5th amendment to the constitution, which declares that private property shall not be taken for public use, without just compensation. It appears to me to mean, that, under certain circumstances, private property may be taken for public use. But, if taken, must be paid for. These are circumstances which must necessarily sometimes occur. They did occur in our last war, in every war we ever had, and in all probability, they will occur in any future war in which we may be engaged. If this interpretation of the constitution is correct, then, as I said before, the country is in a strange and anomalous situation. The self-

same act is allowed by the constitution, and is nevertheless punishable by law. The resolution proposes a mere inquiry, and is introduced solely with that intention. My past conduct, (having been so long in this House,) I think, furnishes a sufficient pledge, that I have no disposition unnecessarily to consume its time. I hope the resolution will be permitted to go to the committee.

The resolution was then agreed to.

WEDNESDAY, January 16.

*Militia Courts Martial.*

The House resumed the consideration of the resolution, moved by Mr. SLOANE, of Ohio, on the 11th instant:

Mr. WICKLIFFE said he had risen to propose an amendment to the gentleman's resolution as now modified. It is to strike out all that part of the resolution which calls upon the Secretary of War for copies of any orders made by the President, under the discretion given by the act of 1814, by which the length of service of the Tennessee militia was extended, and also copies of the correspondence between Governor Blount and the Department of War, upon the length of time which the militia of Tennessee were bound to serve.

The mover of this resolution avowed his object to be a desire to obtain all the information in the Department of War, connected with the court martial and the six militiamen. His resolution, if modified as proposed by me, will give him all the documents which belong to that subject. He desires a copy of "any order or regulation made by the President, under the act of 1814," by which the term of service of the Tennessee militia was extended to six months. I am satisfied, and so must be the gentleman, that no such order ever was made, either as relates to the militia of Tennessee or any other State, save to the requisitions which may have been made from time to time upon the Executive of the respective States, by the letters of the Secretary of War, calling upon them to detail their quota of men. Why then call for a copy of a paper which we believe, and which the public have been assured, does not and never did exist? If such an order were on file, would we have the call for it? I will not answer the question. If it is not there, I am to be told the Secretary is called upon "to state the facts." We ask for a thing which we know we cannot get; and if we could get it we would not ask it.

The object avowed, or seemed to be avowed by the gentleman from Ohio, is to ascertain the main fact, how long these men, I mean the six militiamen, were bound to serve. To obtain this object, can it be necessary to call upon the Secretary to inform us that President Madison and the Secretary of War failed to discharge their duty in omitting to enter upon the records of the Office of War, that the militia called into service from the State of

Tennessee, should serve six months, three months, or any other term of time? I repeat, the important fact in this investigation is to know whether the detachment of militia, of which the six shot for mutiny and desertion were a part, were called into service for six months. An answer to this question full and complete, must be given in responding to the resolution as proposed to be modified. If the gentleman's object was a reformation of the militia law of the last war, which has performed its functions; if he designed to arraign the then President of the United States, and his Secretary of War, for a dereliction of duty, perhaps the information sought might be proper as a preliminary step. No such purpose is intended or expected. I do not understand this resolution to be a declaration of war against the distinguished citizen who then filled the Presidential chair.

Unless gentlemen will close their eyes, it is impossible not to see its tendency. It is in vain to disguise it. Why has this business slept so long? Why has it not excited the patriotic sensibilities of the statesmen who have filled this hall for the last fifteen years?

Is there a member on this floor who does not believe the effect of this resolution is most anxiously looked to, as appalling to the hopes of the gentleman whose fame has been assailed by every art which intrigue and falsehood could invent? I will not say that such is the desire of the gentleman from Ohio, or those here who act with him.

I desire, Mr. Speaker, said Mr. W., to strip this subject of all extraneous matter. I wish to present it naked to the public eye. The man whose character has been assailed on account of the execution of six militiamen, seeks no concealment. His conduct on this, as on all other occasions when engaged in the service of his country, will stand the test of human scrutiny and of time.

Mr. BELL said, it would, perhaps, not be in order to enter into any general discussion of the merits of the resolution, nor of the objects intended to be attained by it, further than might be necessary to express his views, briefly, of the propriety of adopting the amendment moved by the gentleman from Kentucky, so far as it proposed to strike out those words, which, if adopted as part of the resolution, would give the Secretary of War any latitude of remark, upon what may not be found upon record in his Department. I certainly would not think of intruding myself for one moment upon the indulgence of the House, said Mr. B., seeing so many abler men around me ready to take up the subject, if I did not perceive that the purpose of the resolution may be to arraign, before the tribunal of the public, the character of a distinguished citizen who resides in my own immediate neighborhood. Under this impression, I feel myself called upon, by a sense of duty, to notice an attack made on him, which I conceive to be unmerited and unjust,

for the same reason that I would feel it my duty to defend the reputation of every other private citizen of the district I have the honor to represent, and who could not be heard in his own defence on this floor. I acknowledge, however, that I may possibly do injustice to the intentions of the mover of the resolution, in supposing that the conduct of the distinguished individual I have alluded to, is alone to be the subject of investigation. Judging from what appears upon the face of the resolution, and the imperfect avowal of the mover, as to what may be his motive, it is left doubtful whether one or all of several gentlemen of distinction, are intended to be the object of attack. It may be intended to disturb the repose of a late President of the United States: for, if it shall turn out to be true, that Mr. Madison did permit a Secretary of War to invest the Governor of a State, during the late war, with important discretionary powers, without his authority, and suffered a large detachment of militia to be called into service for the purpose of manning several important posts, situated at a great distance from the States from whence they were drawn, without giving any instruction for retaining them in service for six months, when it is evident that the shorter term of three months must have been chiefly consumed in distributing them among the posts to which they were ordered, then was he guilty of a most gross and criminal omission of duty. If a late Secretary of War proceeded to exercise such extensive powers without the sanction of the President, or failed to renew his instructions to the Governor of Tennessee, according to the requisitions of the law, and the exigencies of the war, then was he guilty of a usurpation of authority, or a neglect of an important duty. I confess I am not ready to admit that a late Governor of Tennessee could be charged with any gross impropriety of conduct, in proceeding to act under discretionary powers, conferred without any other limit as to the time in which they were to be considered operative, than the termination of the war, even if the fact be that his instructions were not renewed in the Spring of 1814. But how a charge of improper conduct, or responsibility for the blunders and omissions of others, if any such there were, can be fixed upon the mere instrument and organ appointed for the execution of the orders and decrees of his superiors in office; how such a charge can be fixed upon the distinguished individual to whom I have more than once alluded, for retaining in service the detachment of militia referred to in the resolution, during a term of six months, and treating them accordingly, when it is known that he ordered out that detachment, acting then as Major General of militia, and that, in doing so, he obeyed, as he was bound to do, an order from the Governor of the State of Tennessee, expressly stating, upon the face of it, that the detachment was to serve six months, and that the Secretary of War had authorized

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that latitude of the call, is to me most incomprehensible. But if it be against him that this resolution is intended to operate, then I would remind gentlemen that they begin their attacks at the wrong end, and that there is but little magnanimity in striking at the tail, instead of the head, of the offending series of public agents.

Mr. CULPEPER said, that he did not know the motives of other gentlemen, and he thought that the House had nothing to do with the motives of any of its members. Their conduct alone was the proper subject of animadversion. What I want, said Mr. C., in this case, is the truth, and nothing but the truth, and I intend to move to lay the resolution and amendment on the table, that gentlemen on both sides may consult together and agree upon the proper form of this call, without further dispute on this floor. I want, I repeat it, nothing but the truth. I have no wish to get rid of the subject, but a very strong wish to get clear of this very disagreeable debate.

Mr. POLK said: The ostensible object of the resolution seemed to be, to obtain information from the Department of War in relation to the detachment of militia, of which the "six militiamen," executed at Mobile, under sentence of a court martial, for the crime of mutiny and desertion, in 1814, were a part; and yet the gentleman from Ohio proposes, by the resolution, to call for the whole correspondence between the Secretary of War and the Governor of Tennessee, not only in relation to this particular detachment of militia, but from the commencement of the war, in 1812, until its termination. The gentleman was not content to have the correspondence in relation to this particular detachment, which was already embraced in another part of his resolution, but desired all the correspondence which ever took place between the Secretary of War and the Governor of Tennessee, during the whole war, in relation to other detachments called into the public service from Tennessee, at different periods. He could not perceive the purpose to be effected by calling for a lengthy correspondence, which had no connection with the main object of the inquiry, unless it was to obscure and cover up the material facts of the case, by a mass of documents which had no relation to it. Why had not the gentleman likewise called for all the correspondence with the Governors of other States, whose militia were in the public service during the war? It would have just as much to do with the "six militiamen," as that part of the correspondence with the Governor of Tennessee which does not relate to the service of the "six militiamen," or the detachment to which they belonged. He wished the information called for, when received, to stand naked before the public, and to be stripped of all extraneous matter.

Mr. RANDOLPH said, that no possible modification could, in anywise, affect the course he had chalked out to himself, and for reasons

which he would now briefly state. I will promise, said Mr. R., if I throw no light upon the subject, that, at least, I will not (to borrow a word used by the honorable gentleman from Maine) "obfuscate" it.

I concur most heartily with the gentleman from North Carolina, (Mr. CULPEPER,) in his view of this matter. Before he made his motion, I had expressed a similar opinion to the gentleman from Louisiana, (Mr. LIVINGSTON.) I am sorry he withdrew it. I think the House ought not to act in this matter at all. And why? Because, sir, disguise it as much as we will—as much as we can—it is a matter (as was said in another body, on a very different occasion) as notorious as the sun at noon-day, that the state of public feeling throughout this country, (and what are we but the pulse, the artery, which shows the action, the sanity, or the unsoundness of the heart?) is such, that, if this game is once commenced, there will be no end to it. Sir, I have nothing to do with gentlemen's motives. I am bound, not only by the Rules and Orders of this House, and by a sense of decorum, which ought to be a still stronger restraint on every gentleman, but I am bound by evidence before my senses—to believe, that the motives of the gentleman from Ohio cannot be such as have been imputed to him. And why? It is notorious, that you affect a balance as much, by taking out of one scale, as by putting into the other; and after what I have seen in the public prints, under his name, he can never surely mean, by taking out of the scale A, to give preponderance to the scale B. I wonder, sir, that it did not appear to the very acute and astute perception of the gentleman from Maine, (Mr. SPRAGUE,) that there was another occasion for this information, besides the bill from the Senate on the subject of the militia laws. This House, in the last resort, may, by the constitution, be called upon to decide that question on which the public mind is in a state of so great and so justifiable inflammation. Now, as we may be called upon the next session, to decide that question, and good managers, all people of forecast, like to be beforehand with their business, it is no doubt highly proper that we should proceed now to get all the information we may need in the performance of that duty. But, sir, it is time to dismiss this style of treating the subject—it demands a graver tone. A bill from the Senate, affecting the militia laws of the United States—well, sir—a bull shall I call it, or an anathema got up by some of those, under whose order certain militiamen were shot at Norfolk, is thrown in contemporaneously—not with the bill from the Senate—no, sir—that is a different affair, but with this motion; an anathema, sir, has been issued from the laboratory of the modern Vatican, and comes to us via Richmond—yes, sir, via Richmond—and a nuncio has been despatched—(I believe I must drop the metaphor, or it will drop me)—well, sir, an agent, then, has been despatched, and

has touched at this port, on his way to Richmond, for instructions—yes, sir, in mercantile phrase, cleared out for Cowes and a market—to Cowes, and wait for instructions from London. Sir, the gentleman from South Carolina deserves our thanks for having torn the mask off this thing yesterday. It is the curse of this age—the opprobrium of this country, in its legislation, that, in grave concerns, requiring the deliberation of statesmen, and the decision of common sense, a system is pursued of artificial reasoning, and of special pleading, drawn from the forensic school, (where it may be very right and proper,) and, while we are debating about the danger of having our heads chopped off by the myrmidons of a usurper, we are ourselves chopping logic. [By the way, sir, I was extremely sorry that the gentleman from New York, (Mr. STORRS,) who spoke to us, the other day, about Cicero, did not favor the House, at the same time, with a dissertation on the subject of the Roman coaches, out of one of which, he told us, with great good breeding, that Cicero stretched his neck, that it might be struck off.\* Sir, I should greatly like to see a model of one of those coaches—I would send it to Longacre, by way of specimen—yes, sir, not as a model, but as a curiosity.] Great public mischief is produced by bringing into this House the system of word-catching, and watching, and quibbling, and quirking, from the Court below—it will hardly do even there. Sir, this practice is as notorious as another, confessed to prevail in the House of Commons, on a subject of the most vital interest to the liberties of Englishmen—it is as “notorious as the sun at noon-day.” We, sir, are country gentlemen, plain planters, or farmers, sometimes styled clodhoppers—we have not a fair chance under such a system; and, what is worse, our constituents have not. Sir, it is time we had done with this practice, of looking one way and rowing another. I entirely concur with the view presented to us in the speech of the gentleman from North Carolina, (Mr. CULPEPER)—I hope I may say, without offence, the Reverend gentleman from North Carolina. Sir, I applaud him for preaching peace—not peace, sir, with the enemy, in time of war—“Blessed are the peacemakers!”—but I am not one of those who preach the love of enemies in time of war. Let me ask of this House, if they can imagine a case in which, by bringing forward a motion in this House, every part and any part of the public conduct, (for we shall hardly invade the sanctuary of domestic life,) but the public conduct of either or any one of the parties now most prominent before the nation, may not be attacked? Sir, cannot we, too, bring motion after motion, to bear on one of them? We can: and I will tell the gentleman from Maine how—he does not need to be told—but I speak for the information of

those out of this House—a resolution can be introduced, bringing a charge against the Minister—another motion can be brought against the conduct of some of our diplomatic agents—and then we shall discuss it here pro and con—such-a-one versus such-a-one—and then we must have another “blow-out”—and then again the same thing may be done on the appropriation of money. Sir, it is endless; and, therefore, I think we ought to remember the old doctrine—a doctrine I have long preached in this House, and which I ever shall preach, *obsta principiis*. Occasion enough can be given for every man to show, on the floor of this House, how much he is or is not a partisan. And where will it end? With the exception of, perhaps, the necessary appropriation bills, scarce any thing else will be done this session. For, do gentlemen believe, if this thing is done on one side, it will not be done on the other? Do old and practised statesmen suppose that, if they trump, their adversaries will not trump too? Why, sir, I thought that Hoyle had taught them better. Yes, sir, that Hoyle had taught them better. Sir, we shall have our tables flooded with such resolutions. No, sir, let us do what all men cannot at all times do, and some at no time—let us do right, sir, fearless of the consequences. I know very well, what a bugbear—what a ghost will be conjured up, if the motion to lay on the table shall prevail. Yes, sir, it will be said, we are about to “put out the light, and then”—and then, sir, to smother the constitution; to cut the throat—not of Cicero, sir, no, sir—but of poor half-suffocated Desdemona—of the constitution. Sir, this is a responsibility I am willing to meet; if I was not, I would not show my face here. When inquired of, I should say to my constituents, “A motion was made in this House, calling for information about the six militiamen—the public papers and the Richmond manifesto are full of the subject. It has been worn threadbare. We were called upon to second the Anti-Jackson meeting at Richmond. It must have led to recrimination. We should have had the same game played over and over again, *iterum iterumque*. It would only have led to ill blood and calling names, and, therefore, I endeavored to put an end to it at its commencement.” Sir, if the militia laws want mending, they will not get it, take my word for it, this session. Our militia laws, sir, are like some reprobates—always about to reform, or to be reformed. We do not want this information to act on the bill from the Senate, and as for the other object, most of us, I believe, are pretty well prepared to act on what we have.

I promised, when I rose, that, if I shed no light upon the subject, I would at least endeavor not to make it more obscure. I cannot promise *e fumo dare lucem*, but I will not lend my aid to raise a smoke to obscure the judgment and to inflame the mind's eye of this House. Without wishing in the least to fore-

\* By a *lapsus linguae*, Mr. Storrs had said “coach” instead of litter.

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stall debate, or put it out of the power of any gentleman to reply to me, I shall, before I take my seat, renew the motion of the gentleman from North Carolina, (Mr. CULPEPER.) I shall move that the resolution and the amendment be laid, to lie upon the table. But I shall withdraw the motion if any friend, or if any adversary—for I trust I have no enemy here—shall request it. It is a case in which I would yield more readily to the request of an adversary than of a friend.

Mr. RANDOLPH so moved accordingly: when Mr. WEEMS said, I request the gentleman to withdraw the motion.

Mr. RANDOLPH retaining his seat,

Mr. WEEMS said, I call upon the gentleman to comply with the promise he has just given.

Mr. RANDOLPH still keeping his seat,

Mr. WEEMS said, I call upon the gentleman to fulfil his promise.

Mr. RANDOLPH now rose, and said: Mr. Speaker, I rise to comply with it. I promised that if any friend, or, much more, any adversary, should make the request, I would withdraw my motion. I have never, thank God, refused to keep my word, nor shall I now break my promise. But, as that honorable gentleman stands to me in the relation, neither of a friend nor of an adversary, I shall not withdraw my motion.

The question being on Mr. RANDOLPH's motion,

Mr. SLOANE requested that it be taken by yeas and nays. It was so ordered by the House, and were—yeas 42, nays 150.

Mr. WEEMS said he felt very much gratified to find, by the vote just taken, that so large a majority of the House thought with him, that a subject of such importance ought not to be smothered or nipped in the bud (if he might be allowed to use the expression) at the instant suggestion of any member, and more especially so, when the vote seemed almost to justify what he was about to offer as advice to the honorable gentleman from Virginia, who had thought proper to quote the same authority as it regards peacemakers: "Blessed are the peacemakers," &c., was his remark. "Let that man who esteemeth that he knoweth all things, remember that he knoweth nothing yet as he ought to know." I have no idea, sir, said Mr. W., of any one individual member of this House undertaking to suppose, when he has made a speech, that every one is to be hushed by his shutting the door upon them, because, forsooth, he may suppose that they cannot or dare not introduce a word in reply to him. I had hoped, sir, after the member from Virginia had voluntarily promised to withdraw his motion to lay the resolution on the table, if any gentleman suggested a desire to be heard on the subject, upon rising and requesting him to suspend, or withdraw his motion, to have found him willing, at once, to comply; finding this not to be his disposition, I expressed a hope that the gentleman would

comply with his word; and whether that gentleman considers me as standing in the relation of friend or enemy, or neither, towards him, sir, was neither asked nor cared about. [Here the gentleman from Virginia asked permission of the gentleman from Maryland to apologize.] Mr. WEEMS said he asked no apology, but would give the gentleman from Virginia an opportunity to explain; when

Mr. RANDOLPH said, nothing was further from his intentions than to say any thing uncourteous. The gentleman from Maryland, said Mr. R., had called on him in so imperative a tone, that that happened which often happens in similar cases. We often refuse, what we should otherwise grant with willingness, when we conceive ourselves to be rather more enforced than we like to be. But, the candor of that gentleman will induce him to acknowledge that I stated neither more nor less than what is the actual fact, when I said, that he stands to me in neither of the relations—either of adversary or friend. I can assure him, however, that I shall never again offend the gentleman by noticing him in that, or in any other way.

Mr. WEEMS said he was not disposed to trifle with the time of the House, or to attempt, in the slightest degree, to discuss the merits or demerits of the subject to which the proposition before the House, barely calling for information, pointed. But he rose to offer, first, his thanks to the gentleman from Ohio, for introducing the resolution, in any shape that would eventually obtain all the information immediately relating to the subject. He cared not about the form, or phraseology, provided it resulted in laying before the nation the truth, and nothing but the truth. He agreed, to the fullest extent, with the gentleman from Maine, "that it was not our privilege to judge men's motives;" and he hoped he might be allowed to offer another quotation, as it seemed fashionable to do so, from the volume of truth, without incurring the appellation (sarcastically, or otherwise) of reverend gentleman from Maryland: "Who art thou, oh man, that judgest another man's servant? before his own master, he standeth or falleth." Sir, said Mr. W., this subject has now been introduced, and I, for one, am unwilling to return home to the high-minded freemen whom I have the honor to represent, and say to them, I voted against this inquiry, because I feared to trust my strong prejudices and partialities. That might answer for the gentleman from Virginia, but it would not answer for me. Mr. W. protested against being governed by any such influence. The sovereign people of Maryland felt anxious for information, and would not be content without it, and, for himself, he could with truth declare that he wished it, and would receive it anyhow, rather than not have it, although he would prefer having it without any thing like that massive weight that accompanied some of our documents: for instance, the Georgia af-



fair—the immense bulk of which deterred almost every man from attempting to wade through it. No, sir, said Mr. W., that man whose character and conduct are to be affected by it, will, like pure gold, seven times refined, be found the more pure the oftener his conduct or patriotism shall be scrutinized. I shall not trouble the House further, at this time, said Mr. W., from a hope, sir, that the gentleman from Ohio and the gentleman from Kentucky will be able so to modify the proposition as not only to agree themselves, but to produce an accordance throughout the House.

Mr. WRIGHT, of Ohio, said he had but a few words to say, and would trouble the House but a short time. If I understand the question, Mr. Speaker, said Mr. W., that part of the resolution proposed to be stricken out by the motion of the gentleman from Kentucky, (Mr. WICKLIFFE,) embraces a call for copies of the correspondence of the Government of the Union, with the Governor of Tennessee, relative to the time the drafted militia of that State should be continued in the service of the United States—for copies of any orders of the President, directing such drafted militia to be retained under the law of the United States, for a period beyond three months; and if no such order existed, directing the Secretary of War to certify that fact to the House. Such is the motion of the gentleman from Kentucky, to refuse the call so far as I have specified. But, sir, how is the motion supported by the argument of the mover, and by the argument of the gentleman over the way? They all tell you, we want all the facts—all the documents; but we would shut the door upon the opinions of the Secretary, or his arguments. I, too, want the *facts and documents*, and *no opinions or arguments*; and will not any gentleman perceive, who will take the trouble to read over that part of the resolution proposed to be struck out, that these arguments are directed against matter which has no existence in fact? Sir, is it argument or opinion, to furnish us with copies of the correspondence with the Governor of Tennessee? Is it argument or opinion to furnish a copy of the Executive order to continue the militia in service longer than three months? Or will it be said to be argument or opinion, if no Executive order exist, to certify that single fact to the House? Surely no gentleman will pretend it is either; yet we have heard much of a desire to give all the facts and documents, and to withhold only opinions. Let us have all the documents, and all the facts. How will the case stand before the country, if the motion prevail and gentlemen deny the information sought? We may be told, if the information obtained bears hard on any individual, that, if the whole correspondence between the War Department and the Governor of Tennessee had been published, the country would have found ample evidence to justify either the Governor, or any militia officer acting under him, for retaining the mili-

tia in question for six, instead of three months; and if we have not an express certificate from the proper officer, that no order of the President exists, it may be said it has been withdrawn. I therefore want the whole information, correspondence, and documents. I wish an opportunity of judging for myself what they contain—to have the light shed upon my own mind, that I may form an opinion myself. I do not believe, sir, for I could not impugn any man's motives, there can be a single gentleman on this floor, who would withhold the information sought for, if he understood the subject.

Mr. FLOYD, of Virginia, had heard it declared, on all sides of the House, that gentlemen want information; that they seek the truth, the whole truth, and nothing but the truth. I wish this as strongly as any one; and because I want this, I don't want any speeches from the department. The gentlemen who profess to want the correspondence most, give to me the strongest evidence, by their speeches, that they are perfectly conversant with it. I shall not dive into their motives: that belongs to another power—a power from which this Administration once claimed its right to rule. I had, like others, hoped that we should have met to transact the public business; and that we should have agreed to leave this question to the people; but it is in vain to conceal the fact, that this House is intended to be made an arena on which to excite the passions of the people. We see an individual branded with reproach, for having consented to the execution of several militiamen—we who are nursed by the pap of the Treasury—it is no expression of mine—pap—it comes from the Treasury, of course it must be good—we are told that these are the proper scenes to engage the minds of men, and not the vulgar scenes of bloody war. At the same time we do see a General of the United States trying soldiers at Norfolk, and shooting them too, for desertion. I know it to be a fact: for I was an eye witness. A gentleman near me says, that these were not militiamen. I believe two of them were. I derive my information from a source entitled to at least as much credit, as if it was drawn from hired and pensioned letter-writers in one of the Departments. But, sir, if they were not militiamen, they were men; and is not the life of man dear? And are we now to be told that no regard is to be shown to the life of a common soldier? My information goes still further. An order was issued by a United States commander, to go in pursuit of a deserter, and if he could not be taken, to shoot him, and he was shot. Why was not the same noise made then, that there is now, and why was not information of that fact laid before the House, by the same gentleman or his friends, who have stirred this inquiry? It is true I belong to the committee on the militia, but I have not been called upon to attend it, until this morning.

Mr. WICKLIFFE now signified his agreement to the proposal of the gentleman from Tennes-

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*Mobile Court Martial.*

[H. OF R.]

see, (Mr. BELL,) to modify his amendment in such a manner, as to retain the call for the whole correspondence.

Mr. SLOANE also expressed his willingness to modify his resolution, by striking out the following words: "and if no such order exists on the files of the War Department, to state that fact to this House."

Mr. BURGESS expressed his regret that a simple resolution calling for information should have taken the turn this had. He understood that copies of documents could not be obtained from the public officers without a legal order, and he thought the regulation a good one. Under that regulation, it was impossible that the record called for by the resolution of the gentleman from Ohio (Mr. SLOANE) should ever go to the public unless by the direction of this House, or of the Senate.

The question, said Mr. B., for us to settle, is, whether this information shall be laid before the House, and the public be enabled to know the truth as it is? What the ulterior intentions of the mover may be, is nothing to me; I shall vote for myself according to my own views of propriety—so, I presume, other gentlemen will vote; and, even if the rules of the House did not restrain me from a violation of decorum, I hope I should have civility enough not to impute, without evidence, to any gentleman in this House, motives hostile to the public peace and to the safety of individual reputation. It cannot be denied that much curiosity, to give it no other name, exists in the public mind, in reference to these papers. I have seen the evidence of it in those records, which, from our childhood, we are accustomed to consult—I mean the chronicles of the day.

It is commonly said that certain militiamen have been executed, and it is said by some, that that their execution had no legal sanction. The question whether that execution was legal or not, is one on which great anxiety prevails. The person under whose orders it is said to have taken place is a person of great consequence in this nation. He fills, at this time, a great space in the public eye, and occupies much of the public feeling, and I ask if it be courtesy in this House to interpose before the facts of the present case, any obstacle which may disappoint the public curiosity, (if it is to receive no better name,) quickened as that curiosity now is, and anxious as the most unmanageable appetite. What courtesy will it be to lay your hand on a part of the documents inquired for, and to say, they shall not go to your constituents? Why will you withhold from them what either the friends of that distinguished individual, or, if you will, his foes, may desire to lay before this House? For myself, I should be satisfied if the gentleman from Ohio (Mr. SLOANE) should select one portion of the documents, and the gentleman from Kentucky (Mr. WICKLIFFE) should select another portion. I should be satisfied with their discretion, and would call for the whole. I would not, at least, transmute

this hall into an arena for gladiators. I think better of my country—of this House—of those opposed to me and those who are with me, than to apprehend that the sword of the gladiator, or the pistol of the assassin, is in any danger of being used, whether here or elsewhere, in consequence of our decision on a resolution like this. If there is any thing in this matter to produce exasperation, it must be the withholding, it cannot be the granting, of this call. The gentlemen who spoke with so much ardor of their illustrious friend, spoke only as a man should speak, when he supposes the character of his friend is in danger. But their zeal might well have been spared. The character of that illustrious man is not impugned. Nobody here has injured, or wishes to injure him. Why then should his anxious friends endeavor to forestall public opinion, or keep back from the public ear, the voice of truth? Why will they refuse to satisfy public anxiety? Why do they strive, with so much earnestness, to strike out from the resolution a call for the orders of the President, copies of which are said to be in the War Department? Why do they dread so much, if such copies are not there, that the Secretary shall say they are not there? What would gentlemen have? The public will believe the signature of the Secretary of War; for, prostrated as he has been, at least in the wishes of his enemies, still the American public will believe him, without an oath, while they remember that he belongs to the State of Virginia, although he be the Secretary of War, and a member of the Administration. May he not be permitted to say, if the fact be so, that he cannot furnish copies of any such orders, because they are not in his office? We want no commentaries, no glosses, no labored explanations. We want the record alone, and, if it is not there, we want him to certify that it is not there. Sir, what will, what must, the public think, if you prevent him from giving this certificate? I do suppose there are abundance of our citizens who know what the usual form of a certificate is, and if you put forth to the world a certificate in some unusual form, they will have too much acuteness not to perceive that you deny them the knowledge which they desire to have. I might beg gentlemen for their own sakes, not to excite such irresistible suspicions in the public mind.

Mr. SLOANE signified his acceptance of the addition proposed by Mr. WICKLIFFE, and the resolution, as thus modified, was finally adopted, in the following form:

"Resolved, That the Secretary of War be directed to furnish this House with a copy of the proceedings of a Court Martial, which commenced its sittings at or near Mobile, on the fifth day of December, one thousand eight hundred and fourteen, for the trial of certain Tennessee Militiamen, together with a copy of all the orders for the organization of said Court, as well as those subsequently issued in relation to its decisions.

"And, also, to furnish copies of all papers, let-

ters, and documents, relating to said Court Martial: copies of all orders, general or special, made or issued by the President of the United States, or by the Secretary of War, concerning or relating to the length of service of the detachment of the Tennessee Militia, detailed under the order of the Governor of said State, issued on the twentieth day of May, one thousand eight hundred and fourteen, and afterwards placed under the immediate command of Lieutenant Colonel Philip Pipkin; also, copies of such order, and of the muster and pay rolls of said Militiamen, which may be on file in the Department of War.

"And to furnish copies of any orders of the President or Secretary of War, by which in the exercise of the discretion vested in the President by the 8th section of the act of 18th of April, 1814, the term of service of the Tennessee Militia may have been extended beyond three months; also, copies of two letters from the Secretary of War to Governor Blount, dated the 11th and 31st January, 1814.

"And, also, to furnish copies of any correspondence in the War Department between the President or Secretary of War and the Governor of Tennessee, during the late war, on the subject of the time which the drafted militia of said State should be required to serve in the armies of the United States."

FRIDAY, JANUARY 18.

*Case of Marigny D'Auterive.*

The House resumed the consideration of the bill for the relief of Marigny D'Auterive: and the question recurring on Mr. WHITTLESEY's motion, pending when the bill was last before the House, to recommit the bill to the Committee on Claims; Mr. W. withdrew the motion.

Mr. GURLEY moved to amend the bill, by adding the following:

"And that the further sum of \$234 be paid to the said D'Auterive, for the injury done to his slave while in the service of the United States; and for medical attendance on said slave."

Mr. KEER said: Mr. Speaker, from the serious aspect in which this subject is now presented to the whole nation—notwithstanding the opinions first entertained, that it was of minor importance—I feel myself under a sort of moral necessity of assigning reasons for the vote I shall give. I am, sir, decidedly in favor of the amendment offered by the gentleman from Louisiana. Although I was not very solicitous to obtrude myself, the other day, upon the attention of the Committee of the Whole, when I moved its rising, and when, after giving way for the explanation of a gentleman from New York, I was intercepted from the Chair by the precipitancy of gentlemen who rose to speak, yet I confess that I did feel a desire to declare my opinion upon the question in debate, inasmuch as my constituents as well as those of others, who had delivered their sentiments at large, had a direct interest in it.

Our local situation—dwelling as we do on the waters of the Chesapeake, late the scene of a most vexatious predatory warfare, and always exposed, in time of war, to the loss of that very

species of property which, in the case before the House, is attempted to be refined away—gives us an interest in the question not far short of that of Southern men. I am not, sir, a Southern man—strictly so called—but I feel, and my constituents feel drawn towards the people of the South, by chords of sympathy in many respects; and, in that particular interest, which has now become the subject of controversy, even on this floor, we have a common stake. Although our concern in the subject is not, perhaps, so important, yet the interest we feel in it is scarcely less vivid than that of the Southern planter. Sir, since the last speech of the gentleman from New York, in which he has portrayed the consequence flowing from the premises which he had, himself, most kindly assumed for the advocates of this measure—as leading to the destruction of all civil liberty in this country—I cannot content myself without an humble effort to refute the fallacies by which it is attempted to blind this House against the true import of the question before them.

Gentlemen now say, (some of them at least,) that they do not deny the general proposition that slaves are property; yet they do contend that, *pro hac vice*, they are not property, and they are not to be considered as such, when taken, or lost, or injured in the public service. Here then is the issue: We aver that slaves are property so declared by law, and so held in the view of the constitution. It is the report of this committee with the bill which will make up the record of our judgment here; and if you had permitted this amendment to be dropped, because of the insignificant amount of the claim of Marigny D'Auterive, or now reject it, you establish a precedent, to be quoted on all future occasions, against the most important claims, and against redress for the most serious individual losses: and I have no doubt it would be set up by some as a solemn decision on record, that slaves are not property.

Many observations have been made by gentlemen in this House, to do away an impression that they would in any manner impugn the right of property in slaves; and it has been said that such a question will never be stirred until "some bold, bad man," shall raise it for the purpose of his own ambition. I feel happy in believing that this bold, bad man has not yet found his way into this House; but I have made some note of the opinions and dispositions of men in different quarters upon this subject. Not alone in the East, nor in the north, but in the Middle States—aye, in the South, even without the instigation of that ambition which has been assumed as the only motive to it—bold, bad men, have had the folly, or the wickedness—call them fools, or knaves, if you please, (as they have been so denounced by a gentleman from Virginia,) to avow and maintain that slaves are not property, and that all such pretended rights ought to be abolished. I trust that men of this description will be long kept from this place; but there is

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no question, they have been seeking, by stealthy steps, to make their way into the State Legislatures, for the express purpose of stirring, by slow degrees, the question of slavery, and in due season, the solemn one of universal emancipation. You may call such people fanatics, hypocrites, or knaves, or by whatsoever other epithets of reprobation you please, but all the while the fatal consequences of their principles and their movements, may spread and be felt in every part of the country. If such a character should ever show his face in this House, I trust there will be always here, men of firmness and talent, to make him toe the twig, and avow himself clearly so that he may be held up to the scorn and detestation of every good man in the nation.

Gentlemen here say that they do not deny the right of property in slaves; but the report of the committee does give color to, and in effect declares the doctrine to a great extent, and in so much destroys the rights of owners. They aver in effect, that, as to the purpose in view, slaves are not property, or are not to be so considered. [Mr. K. here read the report of the committee of the present session, and proceeded.] I will not trouble the House with reading the report of January, 1826, referred to by the present committee, and adopted by them, as it must be familiar now to every member; but I will assert that the foundation of the report is an actual denial of the right of property in slaves. They say that slaves have not been put on the footing of property, and paid for, when lost to the owner in the public service, and they report that this petitioner ought not to have relief. No matter how you disguise it, common language will be understood by the people, and they will consider a rejection of this amendment as a decision against the right of property to this extent; for the committee do aver, that, as to any claim to compensation for injury done to a slave taken for public purposes, such slave is not considered as property, and therefore not to be paid for. Now, sir, this is the very reason why I now would decide at once that they are property, and so to be considered, and settle the question forever. I stand upon the ground that slaves are property to all intents and purposes, and should be paid for as such, like every other species of property. I will not take upon myself to lay censure on an honorable committee of this House; but I must say that all the excitement which has been exhibited on this occasion, is owing to the mistaken views of their report.

If slaves are property, as admitted, why shall they not be considered as such? I will put the absurdity to this House: What is that which is property, and not to be considered such? Such refinements are not for us, sir. If gentlemen knew how this kind of thing is felt by those more immediately concerned, they might excuse my earnestness. If slaves be property, why should they not be so considered? These

are convertible propositions; and they are property of a kind the most valuable and most exposed. Has any direct reasoning been offered, on general principles, or from the constitution, to prove that though slaves are property, they are not to be considered such? Not a scintilla of reason has been presented to support the position. The only thing like argument which has been attempted, is the statement of the gentleman from Ohio, (Mr. WHITTLESLEY,) that it has not been the usage of the Government to pay in such cases; but all the instances he has cited, have been shown to be inapplicable to the present. If they were applicable, I would, on that account, call upon the House now to come to a correct decision in this case, and settle the true principle. It has been urged that because the Constitution of the United States, with certain views, considered slaves as persons, they are but a qualified property, and therefore not to be paid for. You may seize the property for the public use—deprive the owner of the services of his slave, and carry him into danger even of the loss of his life, and if he be injured or destroyed, you will not pay! I will tell the gentlemen in a word why slaves are property: They are such in respect of the right of the owner to sell them; not like the relation between master and apprentice, or father and son, where there is a contract or a right to the temporary service—but it is the absolute power of disposing of the slave altogether, that makes him property. Again, sir, the owner of the slave pays a tax on him, as has been before enforced in this debate; and that is the peculiar badge of private property in relation to Government. The slave was property, sir, before this Government was formed—was such under the laws of the States, and was so declared by them, as he had been held by the inhabitants of the provinces before. This General Government found slaves the property of the citizens of the States, and its power cannot impugn the right. It shall not define property but must take it as it was, and construe the constitution, which enjoins compensation for it, when taken for public use, with reference to what is property in the States. If this Government takes slaves for the public use, in any emergency, it can only touch them as the property of the owner; not as citizens, for they are not such; and they cannot be enlisted as soldiers, or enrolled in the militia. They cannot be enlisted, because they are slaves, and cannot contract; and they cannot be enrolled in the militia because the fundamental militia act of 1792, excludes all but free white males. An attempt has been made to do away this right of property, by comparing slaves with apprentices; but they are citizens, and participate in the rights and burthens of the Government, and are not property. The force of this suggestion, however, has been triumphantly put down by the gentleman from Louisiana, by the brief answer, that if there were any analogy, it might prove that

the master of an apprentice was also entitled to remuneration for his loss, but not that the owners of slaves are not so entitled.

Mr. SUTHERLAND said he would advance his reasons in favor of the amendment, making compensation for the loss of the slave, occurring from his working at the entrenchments at New Orleans. In the course of the argument, some gentlemen had urged the propriety of paying for the time the slave was in the service, but did not feel disposed to go any further. He was willing to pay the loss the master had sustained. And it was a matter of no consequence to him, so far as related to his vote, whether the man was impressed, or was voluntarily sent by his master. To pay the owner for the hire of this slave, was not, in his opinion, "full compensation." He said he would sustain the propriety of his argument from the fact, that, although a soldier receives his monthly pay, yet if he should die in the service, a pension is allowed to his wife. This is a matter of reparation. It is intended to be in the nature of an equivalent for the loss of one's services, upon which the wife looked for support. He said, if we applied this principle to the owner of the slave, who has lost his services, there can be but little difficulty in coming to a correct conclusion upon this subject. And that, in his opinion, would be by voting for the amendment before the House.

Mr. EVERETT said: In the first place, in reply to the inquiry of the gentleman from New York, (Mr. WOOD,) which the gentleman from Louisiana (Mr. LIVINGSTON) professed himself unable fully to answer, I would observe, that it appears, from the original papers of the case, that the slave impressed sustained an injury from the fire of the enemy; that he was wounded in the left eye, and in the left arm, deprived of his eye, and permanently weakened in his limb; so that the injury suffered was the direct and not the consequential effect of the impressment. In answer to the other demand of the same gentleman, viz: for a measure of damages, I would farther observe, said Mr. E., that a tribunal, which I take to be the usual one in such cases, two or three neighbors had testified that they conceived the owner of the slave to have suffered an injury, to the amount of the compensation now claimed. This testimony may be seen among the original papers of the case; which, though too long to be conveniently read, may be consulted by any gentleman, at the clerk's table.

The real merits of the question, said Mr. E., may, in my opinion, be reduced to narrower limits than might be supposed, from the wide range of the discussion. The claim arises under that provision of the constitution—the amendment of the constitution—by which it is guaranteed that "private property shall not be taken for public use, without just compensation." Now, sir, by rejecting this amendment, we virtually introduce into this provision of the constitution, the qualification "excepting

slaves." We make it read, "nor shall private property, excepting slaves, be taken for the public use, without just compensation." I am prepared to say, without scruple, that if, at the time of discussing and adopting this amendment to the constitution, it had been proposed to insert such a qualification of it, it would have been fatal, not merely to the amendment, but to the constitution itself. I am willing to leave it to the candor and common sense of every gentleman in the House, whether a proposition going, in effect, to say, that "private property in slaves, might be taken for the public use, without just compensation," would have been entertained for a moment, when the amendments to the constitution were adopted.

There is, I own, continued Mr. E., one view of the matter, which struck me with some force, as an objection to the allowance of this claim. Admitting the principle that property impressed into the public service is to be paid for, the measure of compensation is to be sought, in what would have been the terms of a contract, had the property been taken under contract with the owner and not impressed. Now it may be said, that no person hiring a slave, would insure his life, which we virtually do if we pay this claim. This objection, however, seems to me only plausible. Suppose the mayor of New Orleans, instead of impressing a slave, had come to his owner, and proposed to hire him, would not the owner, in making his terms, have said, "this is no common case of service; you want the man, not to work in your garden or plantations, but on the lines, where he is to be exposed to the fire of the enemy, from morning to night. I cannot yield him at the usual rate of wages; I must be paid according to the peculiarly dangerous nature of the service." Such would be the language of the owner; and the least he would demand would be indemnity against the damage actually sustained; on the common principle of contracts he ought to have more; he ought to be indemnified against the risk of the total loss of the slave. I therefore know of no better measure of the compensation, to which D'Auterive is now entitled, than that which is found in these documents—the judgment of the Physician—the opinion of the neighbors, that a loss to the amount claimed has been sustained: for it was sustained by the direct effect of exposure to danger, known to exist when the man was subjected to it, and against which his owner would have stipulated in a contract.

I cannot admit, said Mr. E., that the nature of the right of impressment, or, if you please, the quality of the act of impressment necessarily comes into discussion here. We are not now called to legalize (if I may use that word) the act, by which this property was impressed. We did that at the last session of Congress. We paid D'Auterive for his other property, taken at the same time. On the passage of the bill, making appropriation for him, I do not find that a division took place. The yeas and

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nays do not appear to have been asked. I cannot find the name of either of my friends from New York (Messrs. WOOD and STORRS) on record against the allowance made to Marigny D'Auterive last Winter. It is therefore not now a question, whether we shall adopt the act, by which this man's property was impressed into the public service; but whether, having paid him for a part of it, and with a report from the Committee of Claims in favor of another part, we shall refuse to pay this remaining portion. If we do refuse, it must be on strong grounds, applicable to this particular part of the property. The preliminary question has been settled.

Mr. E. said he should not enter into the consideration of the precedents. Among all which had been cited, there appeared to be but one of an impressed slave, and that one was not a case fully in point; because the injury sustained, although probably the effect of the exposure, was not certainly so. Granting, however, that it were fully in point, it would still make but a single precedent hitherto produced, against such an allowance as is now asked: an insufficient ground certainly for refusing to pay for a part of the property, while you pay for the rest.

The argument against this claim drawn from the analogy with the case of minors and apprentices, who might die in the military service of the country, said Mr. E., I heard with some pain. There seems to me no resemblance, scarce a shadow of likeness, in the cases. What, sir, shall we adopt an analogy, which would make the free citizen of the country, because he lacks a year or two of the term of legal majority, the property of his master! The most that can be said is, that his master or father has a qualified property in his services; and this is balanced by obligations essentially reducing the value of that property in a pecuniary view. Besides this, the analogy supposes what cannot happen. The minor and apprentice cannot be impressed into the service of the country. If they enter it at all it must be after an act has been passed by the supreme legislative authority of the country, emancipating the son from the *patria potestas*, making the apprentice *sui juris*, and thenceforward competent to form with the country the contract of military service. When he has thus entered by contract into the military service of the country, he is there for himself, for his own rights as a citizen. No doubt such a law is an invasion of the interest of the parent or master, in the minor's services. The law, which has been referred to, recognized this, in assigning them a part of the bounty money; but it is a kind of interest, which if extended to a claim for an indemnity in money, for the loss of the life of a free citizen, would be in opposition to the spirit of all our institutions.

The case of the slave impressed is totally different. The analogy fails in the most important points. He does not enter into the military service of the country by contract. He

cannot contract. His master has not contracted for his slave. On the contrary, at a moment, when, by the laws and constitution of the country, he is the property of his owner, the Government comes by force, takes him away, and destroys him in the public service. To make the case parallel, we must suppose an act of the Government emancipating the slaves, and enabling them to enlist in the army. Would any Government think of passing a law simply emancipating the slaves of its citizens, without making any compensation to their owners? Such an act would indicate a tyranny, as absolute as any that ever oppressed a people. It had lately been objected, with justice, by Lord Howell, to the views of those benevolent persons in England, who were contemplating the abolition of slavery, that they looked too much to the condition of the slave, and too little to the rights of the master; and that the ideas of emancipation and compensation ought to go hand and hand.

Mr. ALLEN, of Massachusetts, said he considered that the right of the master in the slave was founded solely in the municipal law of the place, and he was bound to respect the right, as assured by the laws of the State where this relation is recognized, and disclaimed all right to interfere with it on the part of the General Government. The subject was exclusively within the competence of the States where slavery exists, and this Government has no authority or power over it. Still, there was a distinction between the right of the master in his slave, and that of the owner of other subjects of property. The right of the master rests solely in the municipal law of the place, and is limited to the jurisdiction of the State. If the slave, therefore, pass out of that jurisdiction, and into a Government which does not recognize this kind of property, the right of the master falls, there being no law to sustain it. Not so with other property. This is founded in a principle of universal law, and the right of the owner is recognized and protected in every civilized country. It was on account of this distinction that the holders of slaves thought an express provision necessary in the Federal constitution, in order that they might reclaim them when found in States where the municipal law does not authorize this kind of property. If this property had rested on the same foundation as other property, no such provision would have been necessary. The owner might have taken it under the universal law, as he might other property, or might have found redress in the courts in the like manner. It belongs to the municipal law to settle relations between individuals—to regulate the rights between private men. The right of the Government over the person, and to the property of the citizen, pertains to the public law, or, as it is sometimes called, the law of empire.

Mr. HALL said he rose principally for the purpose of urging, at this late hour, a decision of the question, as he was satisfied, in his own

mind, that the opinion of every gentleman was made up; and that there are other and great interests to be consulted, that are now delayed by this protracted discussion. He would ask if any good result is expected to grow out of the discussion of matters, foreign to the question, and that have no reference to it? He remembered that when the memorable Missouri question was agitated, and discussed, with all the excitement that grew out of it, that the hopes of the slaves for freedom were strongly excited—excited in some States even to rebellion, of which melancholy examples were the consequences. He would not say that some of the language used and uttered in this debate might spread the same contagious influence abroad, even to that region of country in whose peace and welfare he should always feel a lively interest. To avert a calamity like this, was his principal inducement for trespassing on the time of the House. Sir, the hopes of the slaves for freedom may be inspired by gentlemen, without knowing that they only add another link to the chain that fetters this population; they only add to that quantum of misery that the people of the South have attempted to mitigate by kindness.

No gentleman has, he believed, pretended to deny the validity, and the sacred and unqualified right of the slave owner. This was admitted on all sides. But, in order to resist the claim, gentlemen say, and so do the committee, that this "species of property" is not a fit subject for indemnity; and that the Government have never regarded slaves as property. I will not condescend to argue on such a proposition; I will not condescend to argue the fact, whether slaves are property to the master, or ever were regarded by the Government as such.

The only true question seemed to him to be, whether the officer, under the exigencies of a state of war, may not impress the private property of the citizen? I place slaves on the same footing as other property. You can make no distinction, and all the arguments in the world could not weaken this position—a right consecrated by the constitution—protected and defined by the municipal laws of the several States. On this question no reasonable man can hesitate for one moment. The right of impressment has been admitted by this House for many years, in the payment of various claims of individuals for property impressed. Will we stop to inquire into the motives that operated on the mind of a military commander, invested and clothed with all that power that springs from a state of danger and alarm, that power that originates from necessity, that knows no law—will we stop to ask, at such a moment of danger as that, whether the impressment of property for the public service, to contribute to the general good, was justifiable or not? What! when that city, which is the key of all our western States—I might say of this empire—was at stake, threatened with the most terrible evils from an invading foe, was it an hour

to cavil about law? Necessity dictated laws for that occasion, and the result convinced the world, that the means employed were honorable.

Sir, said Mr. H., I will not go home and tell my constituents that I deemed their rights of property so precarious as to justify me in their defence. I would as soon discuss a question, whether the wool which grows on the sheep of our northern brethren (about which we have lately heard so much, and shall soon hear more) belongs to the farmer who rears it. This right of property is sacred in every State. It cannot be touched by this House—it cannot be reached in its legislative capacity. It is beyond the jurisdiction, not only of Congress, but of the Federal Government. It is a subject exclusively of municipal regulation—and if the State of Louisiana declares that slaves are property, this House must recognize them as such. If a Federal officer has seized upon the property for public use, the owner can demand compensation, under that clause of the constitution which says, "private property shall not be taken for public use, without just compensation."

SATURDAY, January 19.

*Death of Geo. Holcombe, Esq.*

As soon as the Journal of yesterday was read,

Mr. SWAN, of New Jersey, rose, and addressed the House, to the following effect:

Mr. Speaker: It has become my painful duty to announce to the House the melancholy intelligence of the death of GEORGE HOLCOMBE, late a Representative from New Jersey.

To the members of this House, and especially those who have had the satisfaction of a personal acquaintance with the deceased, no eulogium can be necessary from me.

Exhausted by the pressure of a protracted but unyielding disease, he sunk into the embrace of death, on the morning of the 14th instant.

To his family, sir, the loss is irreparable—the affectionate husband and the kind parent is no more.

Mr. S. then moved the following:

*Resolved*, That the members of the House of Representatives, from a sincere desire of showing every mark of respect due to the memory of the Hon. GEORGE HOLCOMBE, late a member thereof, will go into mourning one month, by the usual mode of wearing a crape round the left arm.

*Resolved*, That the Speaker of this House be directed to notify the Executive of New Jersey of the vacancy in the representation of that State, by the death of GEORGE HOLCOMBE.

The resolutions were unanimously adopted; And the House, thereupon, adjourned.

TUESDAY, January 22.

*Retrenchment.*

Mr. CHILTON moved the following resolutions:

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*Retrenchment.*

[H. OF R.]

1. *Resolved*, That it is expedient to discharge the National debt, without unavoidable delay; to accomplish which desirable object, a resort to a general system of retrenchment is necessary. This, it is conceived, can only be effected by

First. A judicious reduction of the numbers of officers receiving salaries or pay from the General Government, and of the salaries of such as are necessarily retained in public service: avoiding, in each instance, the adoption of any measure which would be incompatible with our national dignity.

Second. By avoiding each and every appropriation or expenditure of public money which is not imperiously demanded by the justice of the claim, or the necessities of the Government, with a view to its efficient operation in a spirit of republican simplicity and economy.

2. *Resolved*, That the matters and things contained in the foregoing resolution be referred to the Committee of Ways and Means, with instructions to report to this House what offices, in their opinion, may be most advantageously discontinued, what salaries will reasonably bear reduction, and such other means of retrenchment as to them may seem necessary.

Mr. McDUFFIE (Chairman of the Committee of Ways and Means) said that he should be glad to hear some specifications of the objects to which the mover of the resolutions wished to direct the committee's attention. He should be sorry if the Committee of Ways and Means should be obliged to revise the whole system of Government of the United States, the Civil Department, the Army and the Navy. The abstract propositions in the resolution were certainly just. It was very desirable that the unnecessary expense of Government should be reduced; that the public debt should be paid; and that economy in the public expenditures should be promoted. But really, as the resolution now stood, he would feel at a loss where to begin, or where to end. If the honorable gentleman wished to diminish the number of military officers, he ought to have directed an inquiry by the Committee on Military Affairs. If he was desirous of reducing the number of officers in the Navy, or rather, of preventing their unnecessary increase, the resolution ought to have been sent to the Committee on Naval Affairs; but it did not appertain to the Committee of Ways and Means to say, whether the several branches of the public establishments were, or were not, too large.

Mr. CHILTON, in reply to Mr. McDUFFIE's inquiry, and in support and explanation of his proposition, rose, and addressed the House as follows:

Mr. Speaker: The resolutions which I have just had the honor to submit, contemplate, in the first place, the establishment of one grand national truth—a truth, indeed, of axiomatic character, to wit: that a national debt is a national curse, and should, hence, be liquidated, and discharged with all convenient despatch. This doctrine is, indeed, not only unlike, but the reverse of that which has been again and

again contended for by some members of this community; and which, to some extent, it would seem, has received our sanction, by our conduct; but experience, the most trusty of all monitors, has at last exploded the heresy, and the American people begin to look with fond concern to that shrine, upon which they will be able to proclaim themselves politically, civilly, religiously, and morally free.

The remainder of my proposition divides itself into three parts. The two first are mere specifications under the general maxim, first attempted to be established, and designed to designate the means by which its object can be accomplished. The third relates merely to the committee of this House to which the whole subject-matter should be referred. To each of these considerations I shall attend; but, Mr. Speaker, I am constrained, by a remark which fell from my honorable friend from South Carolina, (Mr. McDUFFIE,) to invert, to some extent, the order in which I should have considered them, and first to speak of the committee to which the reference should be made.

Sir, I am conscious that, as a young man, and a new member of this honorable body, to its lenity alone I shall be indebted for the devotion of a few moments of its time to a view of this subject, which, when submitted by me, must stand or fall upon its intrinsic merits or demerits. A suggestion has been made, that, in submitting a resolution of this character, I should specifically name the officers whose services I would dispense with, the salaries I would reduce, and the expenses I would curtail. All this would I do: and more if in my power. But, sir, if I were able to do this—the necessity which exists for a reference at all, would be altogether superseded. I could then move on with a bill, directly embracing my views—but, in the present case, I am situated as is the physician, who knows his patient to be diseased—yet knows not where the disease is located, nor the remedy which will heal it.

Mr. Speaker: In relation to that part of my resolution which supposes the existence of a greater number of officers, who are receiving pay or salaries from the Government, than are necessary to attend to its concerns, I am guided and influenced by the long list which is annually presented to this House. I am further influenced in the formation of my opinion, by information received from various sources, entitled to my confidence and to the confidence of the nation, that there are many sinecures in office; men, sir, who, to give the plain English of the matter, are feasting and fattening upon the Treasury: rendering, in the mean time, no services, nor, indeed, having any to render to the country. If gentlemen seek for specifications under this general remark, (as it may be considered,) I would observe, that I am informed our Navy list is crowded; that, at West Point, perhaps, from thirty to fifty cadets have been educated at the expense of the Gov-



ernment, who are wholly destitute of employment; that a fifth auditor was appointed for a time which has of course passed away, and under circumstances which exist no more, nor longer require his intervention or aid; and, indeed, that, in most of the public offices, more clerks are employed than are necessary to transact the business of them respectively—some receiving pay from public appropriations; others from the "Contingent" Fund. If, upon these subjects, I am correctly informed, I cannot hesitate to say, that reform or ruin will constitute with us the closing scene.

It, in the next place, becomes my duty to allude, at least, to salaries which, in my opinion, would reasonably bear reduction. Here, sir, though, I hope, with honest motives, I am situated differently from some of my friends upon this floor. They insist that they know not where to seek a beginning point, nor in what region to look for a salary upon which to commence the work or operation of reduction. I, on the one hand, know not what part of the body politic is most infected, and demands the most speedy remedy. If, however, sir, I am compelled to particularize, I present the long list of salaries as fit subjects for amputation. Amongst the rest, I must not neglect to bestow a more specific, though a passing notice, upon the pay received by members of Congress, who are sitting here at their ease, receiving eight dollars per day for their services, and eight dollars for each twenty miles travelled, in reaching and returning from the seat of the General Government. This, sir, is the last modification of the ever-memorable "Compensation Law." Previous to the passage of that act, members of Congress received, for their services, only six dollars per day. We had then councils as wise and dignified as at present; and I doubt not that we should again see our Legislative Halls filled with honorable and intelligent men, if the compensation were reduced. A reason, and a strong one too—for this reduction, is found in the fact that our country is oppressed, and that the fruits of domestic industry, instead of price, command a mere pittance; not half so much as when aspirants for seats in Congress filled the ranks, as mere volunteers, without the formalities of a draft.

The only remaining branches of this subject which I am bound to notice, relate to the importance of avoiding unnecessary expenditures of public money, for our own accommodation, and to the necessity which exists for the exercise of caution and prudence, in making appropriations to meet the claims of others. If it be demanded of me to know, what departure from the rules of republican simplicity and economy I have witnessed here, and which I conceive to fall subject to the first of my two last divisions, by way of answer I can only request you, Mr. Speaker, to cast your eyes around this spacious Hall, each morning, upon entering it—see upwards of 200 tables piled with printed documents—private or local mat-

ters—interesting, perhaps, only to one solitary individual in the whole Union—a string of affidavits, certificates, letters, or depositions, accompanied by a report as long as the Moral Law; yet all must be printed! This matter, which gentlemen may consider unimportant, is, to my mind, a crying evil. Members from the East, and North, and South, may, from the circumstance of their having been rocked in cradles of luxury and ease, think it a small matter to expend small sums of public money. But, sir, the Western people, particularly that portion of them whom I represent, have, upon the subject, but one voice; it is, so far as I understand it, that which I have spoken. They have liberally contributed to the support of your Government in peace—they have nobly defended it in war—and are, therefore, entitled to their weight upon this floor. I say, in their name, that we are gliding imperceptibly down the smooth and deceptive current of extravagance and prodigality, and steering, without a change of course, directly to the port of National Bankruptcy and ruin. This argument, sir, gentlemen may attempt to answer, by insisting that my picture is too gloomy—that we are prosperous—that universal peace prevails—that our nation is powerful—and that, therefore, we may indulge, to some extent, in extravagance. Permit me, sir, to suggest, that industry and frugality, not indolence and prodigality, are the legitimate parents of national prosperity; and that financial ability preserves peace—and that the worst of all independent conditions, in either peace or war, is that in which a nation is placed, "having nothing to depend upon."

WEDNESDAY, January 23.

#### *Retrenchment.*

The House resumed the consideration of the resolutions moved by Mr. CHILTON, yesterday.

Mr. BARNEY desired not to be considered as wanting in courtesy to the honorable member from Kentucky, when rising in opposition to the reference of the resolutions to the Committee of Ways and Means, inasmuch as the chairman of that committee had expressed his unwillingness that they should be thus referred, and their merits could be tested by the discussion which would be thus elicited.

The printing for this House is the first item in the list of extravagances. I grant you, sir, that it does involve a large expenditure; but how is it to be corrected? How regulated? Shall a purveyor of public printing be employed, especially charged with the duty of designating what shall and what shall not be consigned to the press? The task would be as invidious as it would become irksome and arduous, and could not fail to result in disappointment and dissatisfaction. Sir, I hesitate not to say that every printed document submitted to this House, voluminous as they are, are interesting to, and read by, some of its members,

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and many of their constituents. They are indispensable to a general and correct knowledge of each particular case.

It is contended that the salaries should be reduced. Whenever Congress is satisfied that more is allowed than is sufficient for a mere subsistence, then such a proposition may find favor. If the Government desire the services of faithful and intelligent men, they can only obtain them by allowing such compensation as will enable them to live free from the apprehension that the wants of to-morrow may be unprovided for. While gripping penury stares them in the face, and a helpless family are destitute of the ordinary comforts of life, the energies of neither mind nor body can be devoted to the public weal. A cursory glance at the operations of the Sinking Fund, will satisfy the gentleman that the public debt is amply provided for. Probably, before he retires from public life, and certainly before the expiration of another Presidential term, it will not exist even in name.

Thirty or forty officers are supposed to be at this time unemployed at the Military Academy at West Point. The bill from the Military Committee, now on our tables, authorizing the appointment of additional professors, does not sanction this idea. Having recently enjoyed an opportunity of becoming intimately acquainted with this valuable institution in all its details, I can safely affirm that there are neither supernumeraries nor idlers connected with it. Presenting a most interesting spectacle of strict order, and high state of discipline; every duty, whether of the soldier or the student, is performed at its appointed time, without the least confusion, and every hour, from reveille to tattoo, has its appropriate employments. No American can view such a scene without strong emotions of pride and gratification—he beholds the germ of future greatness to his country; for those whose capacity and diligence enable them to attain the proud eminence to which they all aspire—present themselves to the world the adopted children of their country, qualified to be useful in any situation in life, either civil or military. The impartial and equal administration of justice is one of the brightest attributes in its republican character; for, while the son of a sergeant has received its highest honors, the descendants of Governors, members of Congress, and other prominent men, are sent home with a diploma of incapacity.

And now, sir, last, not least, I come to our noble selves. Our compensation, surely not greater than our deserts, must be reduced. I can approach this subject with a clear conscience, and hold up at the bar of this House a pure and spotless right hand, when declaring, that, during many years a public servant, not one dollar of the people's money has enriched my private coffers. The average pay of a member of Congress is about \$1,100 a year, out of which must be defrayed all expenses

here and elsewhere. In the Western and Southern States, the people require to know personally the candidate who asks their confidence; hence it becomes his duty to make a tour through his District; and, for at least three months previous to an election, he is employed in riding his circuit, cultivating their good will; it is to me a source of pleasure and recreation: so industriously have I pursued it, that there are but few persons to whom I am unknown; and I verily believe that a good old horse, who has accompanied me in two campaigns, would, if a saddle-bag was fixed on his back, and the whip occasionally applied, present himself in regular succession, at every farmer's door in Baltimore County. In a large double district, the cost of about 100,000 tickets forms a considerable item of expense; from which it is indispensable that seven or eight thousand votes should find their way into the ballot boxes to secure a seat here: a large allowance must be made for wear and tear, for many are literally torn up. The benign spirit of universal religious toleration prevails throughout this happy land, and numerous temples of worship to the Great Supreme, rearing their modest heads, even in the wilderness, proclaim the increase of piety and religion. To these, contributions are liberally made; for charity, like mercy, covereth a multitude of sins, and the Lord loves a cheerful giver. Thus, the people's money is returned to the people; and as pecuniary emolument never entered into my consideration when seeking the honor of a seat in this House, I have not desired to enrich myself by compensation. And there are many members, living more remote than myself, whose happiness is intimately connected with their domestic circle, who are induced to assent to a separation from their families, and expend here thousands more than they receive. Once convinced that the exigencies of the nation do require that our per diem be reduced, and I pledge myself to go farther than is proposed by the gentleman from Kentucky—I will vote for a bill which shall deprive us of all compensation, from this day to the expiration of my term; but will never give my assent to a resolution pronouncing sentence of condemnation, until proof shall be adduced that prodigality and extravagance have existed in our Republic.

Mr. KREMER said, that it had been with pride and pleasure that he heard this resolution when it was first offered. He had rejoiced that at length a member had risen in his place, and, from a sense of duty, had presented such a resolution. He had himself, for three years past, urged it upon those who were better qualified than himself for the task, to bring forward such a proposition. It was with no small surprise, he said, that he heard this proposition now assailed. What was the question? The whole amount of it might be contained in the compass of a nut-shell. The Committee of Ways and Means are, by this

resolution, called to inquire whether a retrenchment may not be made in the expenditures of this Government, without detriment to the public good. If they inquire and report to the House that no retrenchment can be made, be it so. But the impression has gone abroad, that we old-fashioned Republicans are getting corrupt, and are extravagant. I want to know whether any evil can result from ordering such an inquiry as this? Who are we? We are but men; and the most exalted of our species are stamped with imperfection and frailty. It is well known that unlawful longings too frequently mark the character of men in power. Does any one doubt that the public expenses may be too great, when they look at the march of private extravagance? When they consider the evils that are exhibited in these ten miles square? I feel regret that such an example should be set at the seat of Government. If it were confined to the ten miles square, he should not so much regret it, but the force of example, in this Representative Republic, was most pernicious. Members of this House witness continually the extravagance which is engendered here—they insensibly imbibe it, and carry it home to their own neighborhoods. A Republican Government may be safe, so long as its main stream is kept in purity. But when the main stream is corrupted, all the tributary streams partake of its pollution, till at length it spreads like an incubus over the whole land. We are told that the salaries of our public officers are not too high. I wish to see them reduced, and I want that the officers themselves should be obliged to attend to their duty within their offices. I don't want to furnish them with cash to travel through the land and make dinner speeches. I would give them what is fair and reasonable, but would encourage no extravagance. I, for one, trust that the resolution will at least go to the Committee of Ways and Means, and that we shall have the report of that committee as to what officers can have their salaries curtailed; and then, I trust that there will be virtue and firmness enough in the House to reduce the salaries of all to what it ought to be.

Mr. BUCHANAN said he could not concur in opinion with the gentleman from Maryland, (Mr. BARNES,) that no necessity for reform existed at the present time. On the contrary, I believe it is necessary that all the public expenditures should be subjected to a most rigid examination. That abuses do exist, which ought to be remedied, I do not entertain a particle of doubt. Whilst this is my deliberate conviction, I entirely concur with the gentleman from Virginia, (Mr. RANDOLPH,) that this is not the proper period for reform. Our duty at present, is, to transact the necessary public business of the country, and to go home as soon as we can. I will say, however, to the gentleman from Kentucky, (Mr. CHILTON,) that whoever shall undertake the work of reform, cannot accomplish his purpose by such a reso-

lution as that now before the House. He must go to work systematically. He must patiently and laboriously ferret out one abuse after the other, himself, instead of imposing that labor upon others. Such a task cannot be performed by referring a general—an unlimited and undefined resolution, to the Committee of Ways and Means at this period, when, I trust, half the session has elapsed. I should not have risen, upon the present occasion, to say one word, did I not believe that the duty which I owe to the Fifth Auditor of the Treasury imperiously demands of me to make an explanation of the duties which that officer performs. The gentleman from Kentucky (Mr. CHILTON) never could have investigated the subject, when he informed the House, that office had been created for purposes which no longer exist. This office was created in March, 1817. Its duties originally consisted in auditing and settling all the accounts connected with the Department of State. These duties embraced all the accounts relating to our intercourse with foreign nations. Since this office was created, those duties must have been doubled. The independence of South America has since given birth to a new swarm of Foreign Ministers, Diplomatic Agents, and Consuls along the shores both of the southern Atlantic and Pacific Ocean. Their accounts must all be audited by this officer.

The same observation is applicable to the accounts of the Post Office Department. This officer is the auditor of all the accounts of all the postmasters, and all the mail contractors, in the United States. The new energy infused into this Department, by the excellent officer now at its head,\* has greatly extended the duties of the Fifth Auditor. This, however, is far from being the aggregate of his services. He has been made a kind of residuary legate, of all the duties which other officers of the Government could not conveniently perform. When the office of Commissioner of the Revenue was abolished, in 1819, the Fifth Auditor was designated by the Secretary of the Treasury to perform the duties of that office. Although, since that time, there have been no internal taxes to collect, yet those gentlemen who know how difficult it is to wind up an old concern, will readily believe that the duties imposed upon this officer have been nearly as arduous as they would have been, had internal taxation continued. This branch of his business has entailed upon him an extensive correspondence with all the collectors in the United States, who have not finally closed their accounts—and the number of such, even at this day, is not small. But the most extraordinary of all the duties which has been imposed upon this officer, is that which the President of the United States devolved upon him in 1821. Although never bred to the laws, yet he was appointed to discharge duties which strictly and properly belong to the office of Attorney

\* Stephen Pleasanton, Esq

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*Georgia and Florida Boundary Line.*

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General of the United States. Ever since that time, he has directed and superintended all the lawsuits throughout the Union, in which the Government have been concerned; and, at the present moment, the United States have upwards of three thousand lawsuits depending.

To show the extent and the arduous nature of this duty, I would remark, that the then Secretary of the Treasury, who was never suspected of a want of proper economy—an officer, upon the purity and wisdom of whose official conduct the people of this country have passed, and who is now revered in his retirement by every patriot, recommended that a person should be appointed for the sole purpose of attending to these suits, with a salary of \$2,500 per annum.

If, therefore, there be any one officer in this Government, whom the gentleman from Kentucky ought not to have designated as useless, that officer is the Fifth Auditor of the Treasury. I am just now reminded by gentlemen around me, that this officer, in addition to other burdens imposed upon him, has the charge of all the light-houses in the United States.

I have a word to say to the gentleman from Maryland (Mr. BARNEY) before I take my seat. I am prepared at this time, and at all times, to act upon the subject of reducing our own pay. In relation to this question, I formed a deliberate opinion six years ago, which my experience ever since has served to strengthen and confirm, that the per diem allowance of members of Congress ought to be reduced. As a compensation for our loss of time, it is at present wholly inadequate. There is no gentleman fit to be in Congress, who pursues any active business at home, who does not sustain a clear loss by his attendance here. If we consider our pay, with reference to our necessary individual expenses, it is too much. It is more than sufficient to cover our expenses. I believe that the best interests of the country require that it should be reduced to a sum no more than sufficient to enable us to live comfortably whilst we are here. For my own part, I do not, like the gentleman from Maryland, (Mr. BARNEY,) give away to my constituents my per diem allowance. I receive it, and use it for my own benefit. It seems that gentleman uses the surplus of his pay, in displaying his liberality to his constituents; by making donations to churches and charitable institutions at the public expense. In this manner he may use it most effectually for his own advantage; but still I am inclined to believe, his constituents, as well as mine, would be quite as well satisfied, if the surplus were allowed to remain in the Treasury, for the benefit of the nation. If the Government of this country should ever want to employ almoners to distribute their bounty, the last men whom the people should desire to employ in this office, would be members of Congress. It might be dangerous to trust them with the performance of such a duty.

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Mr. McDUFFIE, Chairman of the Committee of Ways and Means, said, that with regard to the propriety of retrenchment, as a member of that committee, he felt wholly incompetent to express any definite opinion, but he would suggest to the mover of the resolution that, if he desired to effect any really beneficial object in relation to this matter, the proper course would be to introduce a series of resolutions applying systematically to the various retrenchments he wished to effect, and have them referred to the appropriate committees. The Committee of Ways and Means were already encumbered with business, and it would be out of the question for them to do any thing like justice to such an inquiry, which, indeed, he did not consider as appropriate to that committee. Should the resolution pass in its present form, it would send the Committee of Ways and Means on a voyage of discovery, without chart or compass. It was out of the question to expect that that committee are to go severally to the different Departments, and there make minute investigations as to the duties and salaries of all the officers of the Government.

*Georgia and Florida Boundary Line.*

The following Message was received from the President of the United States:

*To the Senate and House of Representatives of the United States.*

WASHINGTON, 22d JAN., 1828.

By the report of the Secretary of War, and the documents from that Department, exhibited to Congress at the commencement of their present session, they were advised of the measures taken for carrying into execution the act of 4th May, 1826, to authorize the President of the United States to run and mark a line dividing the Territory of Florida from the State of Georgia; and of their unsuccessful result. I now transmit to Congress copies of communications received from the Governor of Georgia, relating to that subject.

JOHN QUINCY ADAMS.

Mr. HAYNES, of Georgia, moved to refer it to the Committee on the Judiciary.

Mr. WHITE, of Florida, said that the question submitted to Congress in the Message of the President just referred to, was one of great importance to the United States, and of still greater to the Territory of Florida. It involved a question of boundary which they supposed had been settled long since, and never expected to see revived again. Since it was introduced here, however, it must be disposed of, and under the rules of the House it was difficult to say what committee had, appropriately, the cognizance of it. The Committee on the Judiciary, in the learning, ability, and integrity of which he had the utmost confidence, were charged with the consideration of all questions involving judicial proceedings. It was obvious, said Mr. W., that there was no question of that nature involved in this matter. The questions to be investigated had arisen

under three treaties, that of 1783—of 1795, between Spain and the United States, and that of the 22d of February, 1819; and although there was now no question immediately in reference to our foreign relations, it nevertheless referred itself to the negotiations and relations of this Government, at the respective periods of the ratifications of these treaties; and the rights of each party growing out of them, naturally involved such inquiries as were generally made by the Committee of Foreign Affairs. That committee have less business before them, and are entirely competent to present an enlightened and satisfactory view of the subject. He should not, however, move a reference to either of the Standing Committees, for two reasons: First, because it did not legitimately, by the rules of the House, belong to either, and, secondly, because they were so much occupied by subjects previously referred to them, that it would be impossible to obtain a report as early as it was desirable. He preferred that it should go to a Select Committee, and he thought that the magnitude of the object justified such a disposition of it. The claim of Georgia, now set up in the communications of the Executive of that State, and transmitted by the President, embraces a tract of country south of Ellicot's line including fifteen hundred thousand acres, claimed by the United States, as a part of the territory acquired by the treaty of 1819 with Spain; about eight hundred square miles of which has been surveyed and sold by the United States, and the money deposited in the public Treasury. The amount of property, the subject of jurisdiction, the uncertainty of titles, and the suspension of the sales, all unite to render it desirable that the question should be speedily settled. The bill which passed at the last session was referred to the Committee of Public Lands. Mr. W. expressed his satisfaction that, in moving for a Select Committee, he was not animated by any desire to obtain any garbled or one-sided view of it. It was known he could not, and, if he could, would not, sit upon it. If it was the pleasure of the House to send it to the Judiciary Committee, he did not doubt but that the rights of Florida and the United States would be ably, faithfully, and impartially investigated, and to whatever committee referred, he should be satisfied.

Mr. WILDE said he should always trouble the House with great reluctance, and his reluctance was increased, in consequence of being obliged to differ from the gentleman from Florida, in relation to the propriety of the proposed reference. Such subjects, he believed, had usually been referred to the Committee on the Judiciary. A question of similar character took that course during the last session. He was sure the gentleman from Florida desired only what he himself and the people of the State of Georgia also desired, that this question should be fully, patiently, and impartially examined, and justly decided. Their feelings

were all in favor of the prosperity of Florida; their interests led them to wish her early admission into the Union at the earliest period. In any event, the titles acquired by individuals from either Government, within the disputed territory, would, he presumed, be respected, and jurisdiction alone, though a relinquishment of it was forbidden by State pride, of which he had as much as any one else, would not be insisted on, if not shown to be the right of Georgia. She took more pride, he trusted, in her justice, than in her jurisdiction.

With regard to the proposed reference to the Committee of Foreign Relations, he would observe, that, in all questions of this description, it is not only important that justice should be done, but that those who are interested should believe it has been done. In that view of the subject, he felt bound to oppose a reference to that committee. A report from that quarter, upon another matter, did not satisfy the people of Georgia, nor increase their disposition to submit any question connected with their interest to that committee.

He did not propose now to inquire how far their distrust was well or ill founded—it was enough for his purpose that it existed. As to a reference to a Select Committee, he considered objectionable such a motion, when the conflict was between the State and the Union, it was suspicious. It was like a motion for a special jury, in a case where the crown was concerned. He had the most entire confidence that no advantage in the selection of a committee was sought by the gentleman from Florida. He was sure none would, in any event, be obtained, as none was desired, on either side. The subject came, he considered, within the proper duties of the Judiciary Committee. Their zeal, ability, industry, and impartiality, commanded entire confidence, and neither required nor admitted of eulogium from him. Why, then, should this inquiry be withdrawn from them?

Mr. WHITE was not unwilling the matter should go to the Judiciary Committee, but three days since that committee had, at their own request, been discharged from the consideration of a question involving the boundary between Michigan and Illinois. Mr. W. had considered the question as virtually settled last year, when it had gone to the Committee on the Public Lands.

Mr. P. P. BARBOUR (Chairman of the Committee on the Judiciary) made some statements in reference to the business before that committee being already sufficiently onerous.

Mr. GILMER advocated at some length the reference of the Message to that committee. There was no necessity for any hurry in the case, and it might turn out that the ultimate question would go at all events to that committee. He deprecated any but the usual course in this affair—denied that the subject had any relation to our correspondence with foreign nations, and insisted on the propriety of avoiding

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every thing that might excite suspicion of any partiality in the course which should be taken on this memorial. It was very well known, he said, that much excitement had grown out of the relations between the United States and the State of Georgia for several years past. This very circumstance made it the more important that any business in which the State of Georgia was interested, should take the usual course in this House. He was opposed to any reference but to a Standing Committee, and to any partial operation which might be produced upon the decision of the subject by its reference to a Select Committee.

Mr. HAYNES remarked that, although the question embraced by this controversy did arise, as stated, out of the treaty between the United States and Spain, yet, the United States now occupy, as to Georgia, the position, in reference to this question, which Spain formerly did: and there was, therefore, no sort of propriety in giving the subject, as now presented, a direction to the Committee of Foreign Relations.

The question was taken on referring the Message to the Committee on the Judiciary, and decided in the affirmative.

THURSDAY, January 24.

Retrenchment.

The House resumed the consideration of the resolutions moved by Mr. CHILTON on the 21st January.

Mr. RANDOLPH said, when the gentleman from S. Carolina withdrew his motion yesterday, to lay this resolution on the table, I rose for the purpose of renewing it. But, understanding that he had not withdrawn it, I did not because I could not renew it. The gentleman from South Carolina, with that courtesy and comity which we all ought to show to one another, did, subsequently, withdraw his motion, in order to give an opportunity to the gentleman who moved it, and who has now just taken his seat, to make explanations. That opportunity having been ample, I should be content to let the matter pass, but that I feel myself pledged (to use an expression which, though parliamentary, is not strictly grammatical) to the cause of retrenchment. I shall say a few, a very few words, in order to explain the course I am about to take, and which, otherwise, might appear to militate against that cause. Sir, I do believe, that retrenchment is required, both by the circumstances of the country, and by the voice of the public. I concur heartily with the gentleman from Pennsylvania, on my left, (Mr. BUCHANAN,) in all he advanced, (in as far as that went.) I am clearly of opinion that this is a case in which reformation, like charity, (I mean modern charity,) begins at home—at least it ought to begin at home. I have long been of opinion, that no economical Government could ever inhabit such a House as this; I do believe we never shall

have an economical Government in such an establishment as the present. This, however, may be a peculiar opinion of mine. Yes, sir, reformation must begin at home. I do not mean in our own cases as members—I am not going to start the *per diem* question—God forbid! We had enough of that when we sat in the brick building, over the way, (where I should be very glad we sat now.) I believe, sir, that whatever abuses may exist elsewhere, we can go with them, *pari passu*, at home, and show an equal case of abuse. But, sir, this is not “the accepted time”—and in saying this, I do not speak in the words of some of the orators over the water, who never will find an “accepted time” for parliamentary or economical reform. Every effort that is made now, will only recoil on those who make it—will injure the cause, not further it. One of the greatest men and best patriots that ever lived, I mean John De Witt, when asked how he managed to get through so much business, replied, that he managed it “by doing one thing at a time.” Now, sir, I believe that we have “one thing needful” to do, and I am for doing it. I will not indicate further than I have done, what that “one thing” is. I say, let us bring to bear upon that object the whole of our strength, all our rays, light and heat, into one focus. Sir, we know that even Mr. Jefferson, in his highest and most palmy state, could not succeed in certain reforms he wished to introduce. And why, sir? Because there was a countervailing under-current, too strong even for him to stem.

Mr. Speaker, I wish not to add another to the number of resolutions which are to be taken up regularly every morning—debated for an hour throughout the session, and, at the end of it, left unfinished, with the unfinished speech of some gentleman by the side of them; and this resolution will infallibly take that course, unless you revise your rules and orders, or unless the House will join me in a motion I am going to make. Sir, I will not enter upon one of the subjects referred to in the resolution, farther than to say one word in respect to the school at West Point. Sir, that school is a contrivance to educate the sons of the rich at the expense of the poor. But I will not, by farther entering into the subject, bring all that force to operate against me, which I know to be enlisted in defence of that Institution. I am for doing one thing at a time—but it is nevertheless true, that every poor man in this country who buys a pound of sugar, a peck of salt, or as much iron as will point his ploughshare, can proudly say to any one of the cadets from West Point, “you were educated at my expense.” Yes, sir, he can say this, and how would the young man feel under such circumstances? Certainly as I would not feel for any consideration that can be named.

I had rather that a son of mine should be obliged to make his mark, for want of knowing how to write, than that, while his father was

capable of bearing all the necessary charges, he should be educated at the public expense. Sir, I make no reflections: for the only man I ever knew, who was educated under such circumstances, is as estimable, as worthy, and as true a man as any that lives. I never knew but one. Sir, it is just as easy, that two bodies should occupy the same space, as that all these irons should be in the fire at the same time, and none of them should burn. As long as we have this dead weight against us, reformation is impossible. I defy the committees to accomplish any thing—you may turn them all into the Departments and they will do nothing; and when I say this, do I mean to cast any personal reflections? Certainly not—not at all, sir—I have already said that Mr. Jefferson, even in his highest and most palmy state, was baffled in the attempt. Sir, there are certain interests here which were too strong for him—they are stronger than the President, and stronger than the people.

Mr. CULPEPER said he should vote against the amendment of the gentleman from New York, because it does not go to the full extent, if any reform be necessary; but he should vote for the resolution of the gentleman from Kentucky, with the hope that he would not stop at, or be content with the reference of the committee, but pursue it to some practical result. And I will pledge myself (said Mr. C.) to go with the gentleman the full length. As to the remarks of the gentleman from Pennsylvania, that we should begin with a reduction of our own compensation, I do not agree with him. He says that the per diem allowance to members is too low to compensate for our loss of time, though more than sufficient for our support while here. Sir, (said Mr. C.) I have not patriotism enough to devote my time to the public for a bare support. My family are to be provided for, and I shall vote for the compensation I deem just, and use my wages to support myself, to pay my debts, to support my family, &c., just as I would the avails of my labor on my farm, or anywhere else: and I deem eight dollars about a proper compensation, and I shall never vote for less, for fear that that compensation may end the 8d March, &c. But the gentleman expresses a hope that we have passed the middle of the session. Passed the middle of the session? And what have we done? We have passed one bill to appropriate money to pay our own salaries; and if we are to progress in the same way, judging of our progress in future from the past, we shall pass one more bill; and what bill is that to be? Not the tariff, I presume: for though many gentlemen are anxious for the passage of that bill, yet the resolution authorizing the committee to send for persons, &c., has, I expect, put the passage of that bill out of dispute, if we are to rise the 8d of March. Yes, sir, the bill on that subject, if not defunct, is rocked to sleep for the present, if we are to have a short session. Before I sit down, I will suggest to the gentleman, if he desires reform, to amend his resolution, and refer the subject of

it to a Select Committee, and not to the Committee of Ways and Means, when the committee has informed us, and no doubt honestly, that they cannot have time to make the inquiry. Send it, sir, to a Select Committee—let the subject be fully investigated, and I will go all lengths with the gentleman in his progress towards reform and retrenchment, if any shall be proved to be necessary.

Mr. RANDOLPH said, as this thing is to be gone into, so far from having reached the middle of the session, I fear we have only begun it. I had hoped that, instead of being half way, we were two-thirds through it. I do not know what more the public good imperiously requires, that is now attainable, than that we should pass the other appropriation bills, and then adjourn. I shall vote against the amendment proposed by the gentleman from New York, (Mr. TAYLOR,) but I shall not, therefore, vote in favor of the resolutions of the gentleman from Kentucky, (Mr. CHILTON.) I cannot agree in sending the resolution to the Committee of Ways and Means; and one reason is, that the chairman of that committee has very truly told us, that he would be sent without chart or compass, upon a voyage of discovery, to find out a *terra incognita*; but, if adopted, I will join in sending it to a Select Committee, knowing from what has passed, how that committee will be appointed—I should not say knowing, but rather, being able to anticipate, from the usage of the House in all such cases. If this subject is to be brought up, I hope it will be thoroughly probed; and the only way thoroughly to probe it, will be, to have the discussion, first, here, on the general principle of reform. Let gentlemen here—in this House—determine whether they will retrench, and then point out what offices can be spared, and what salaries can be reduced. Sir, any movement at this time, affecting great interests and classes of men, was what I deprecated when my very worthy and most respectable colleague (Mr. P. P. BARBOUR) brought in his resolution on the subject of the Government Stock in the Bank of the United States; and which, although the House refused to put upon the table, finally obtained but nine votes in its favor. I do not hesitate to say, here in my place, that the expenses of this Government are too high, that they ought to be reduced, and that, as soon as such a thing is practicable, I am ready to join heart and hand in its accomplishment. Sir, I will specify one or two particulars. The present salary of the President of the United States, and I hope no gentleman will understand me as wishing to have it increased, has remained where it now is ever since it was appointed, hard upon forty years ago. What other salary under this Government is in the same situation? Is there one other? When by the improvidence, imprudent conduct, of the men who were at the head of the Treasury, and of the Councils of this House, under their auspices, the whole country was deluged with

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paper money—when the people of the United States were brought to this pass that their trustees exchanged their notes, bottomed upon every foot of land and upon every shilling's worth of productive labor of the country, against the notes of certain corporations; yes, exchanged their own notes, bearing interest, for the notes of those corporations, bearing no interest—when they agreed to allow a *bonus* on the nominal amount of these bank notes, equal to nearly twenty, certainly exceeding ten per cent.—when tobacco was worth forty dollars per hundred, for choice crops—when cotton was worth thirty dollars; and for a single slave, a common field hand, were paid, to my certain knowledge, twelve hundred dollars—when land was at a price which beggars all belief, (if that price had not been paid in worthless trash, for the land was, in fact, cheaper than it is now)—then, sir, the salaries of all the officers of this Government were raised. I will point to one, (*absit invidia*), that of the Attorney-General. It commenced, I believe, with \$1,200, because it was considered that the very office itself was a great remuneration. Since then it has been raised, I know not how often. So all the salaries have been increased. Sir, have any been diminished? I believe not one—not one to my knowledge. It is easy to talk about “a certain style of living,” and about the dignity which becomes the officers of this Government. Sir, we may swell like the poor frog in the fable, till we burst, but we cannot equal the style or splendor of those on the other side of the water. And we never shall be able to equal them, until our people shall be reduced to the same state of misery with their people. Dignity consists in adapting the style of our living to the means we have to live on. It never did consist in expense and pageantry, especially in a Government having even the semblance of Republicanism. Dignity, like happiness, resides in the mind—it is in the man, and you cannot give it by any station. Sir, there was as much true dignity in Fabricius—there is now as much true dignity in Fabricius, as there ever was in Louis XIV.—the *grande monarque*, who was never seen, even by his *valet de chambre*, without the paraphernalia of his enormous wig—*comptis Curium capillis*; yes, sir, there was as much dignity in the American Curius Dentatus, I mean Roger Sherman, as in any of the Ambassadors which his most Christian Majesty thought fit to send to us, then his very great, dear allies.

Sir, whenever money is plenty, and every thing is at the highest price, that price forms a very good reason why salaries must be raised. And when all things have fallen, and the price is depreciated, for aught I know, 90 per cent., why then, sir, the times are so hard that salaries cannot be reduced, but, on the contrary, should be raised. So, in reference to the emolument of Government, that happens which happens in certain other institutions where the Directors,

the Cashiers, and the Presidents, take good care of themselves, but are quite regardless of the Stockholders. Sir, in this Government, the people are the Stockholders, and all I look at, in any public man, is, whether he is for the Stockholders, or for the Directors. This is my test, my touchstone. Yes, sir, when all things are dear, salaries must be raised because they are dear; when all things are cheap, still salaries must be raised, because the cheapness of every thing shows the scarcity of money, and that the times are hard. So, sir, to use one of my homely phrases, and that language is understood by the people, and is the only language I will ever use when speaking to them—the game amounts to this: Cross, the people lose; and Pile, their rulers win. Sir, I wish to know, if the offices of this Government were filled with less able men, when Jefferson was in the Department of State, Hamilton at the head of the Treasury, Knox, aye, sir, Knox, in the Department of War, and Bradford was Attorney-General, than they are now? Were our officers, with about one-half the present salary, less dignified then, than they are now, with double the amount? I wish to know if that (I was going to say) unrivalled Chief Justice of the United States, has any more dignity now, when his salary is \$5,000, than he had when it was \$4,000? Or whether his associates are more dignified now they get \$4,000, than they were when the salary was but \$3,500? They are the same men, they perform the same services, and with the same ability and integrity. Sir, I did not intend to trespass on the House so long as I have done, but out of the fulness of my heart I have spoken. Sir, I believe that the country I live in is quite as well off as any of these adjacent to it, and this may, perhaps, be owing to the fact of its being too far removed from any Bank, from this Pandora's box, for us to receive our full portion of its blessings, which, like those of the evil spirits, are curses. But, sir, there is hardly a man in the sphere of my knowledge, who makes one per cent. upon the value of his plantation and stock. For one such, I can show you twenty persons whose account of profit and loss, if they keep any, will exhibit a balance on the wrong side of the Ledger. Sir, the country is in an unexampled state. I can remember nothing like it, though I remember well when Lord Cornwallis passed triumphantly through the South, carrying all before him, before the battle of Guildford. I remember well the peace of '83, and even then, when we had nothing like this state of things, although the paper money of that day did its office, we had a forty shilling year for tobacco, and fifteen and twenty shillings years for many years thereafter; and yet even then the times were not like these. Sir, there is not a planter within the sphere of my knowledge, or not a farmer if you please, with no other resource but his farm, who has one shilling at the end of the year, even though he may not have spent, in the course of it, one shilling on himself. The



expenses swallow up all the profits, and, in most cases, far exceed them. And why is this? Sir, we have been legislated into this thing—would to God, we could be legislated out of it again—*facilis descensus Avernus*. Aye, sir, but the return *revocare gradum superasque evadere ad auras hic labor, hoc opus est*. Sir, we have been impoverished till we have scarce enough of spirit left to act like men. Yet we hear that the expenses of this Government are only such as comport with the dignity—yes, sir, the dignity of a poor man with a sheriff at his back—such as comport with the dignity of this great Metropolis. The dignity, sir, of vainly endeavoring to rival the Representatives of Autocrats and Kings, instead of exercising Industry and Economy. But when I say economy, I do not mean merely the economy of lopping off. I know very well, sir, that economy is one thing, and parsimony is quite another. But I would couple industry with frugality, and associate it with all the domestic virtues. But no, sir, our sons must be educated at the public expense, and when the people are in distress we must look from their own or our providence for some canal, or some road, or some woollen manufactory, to any thing for relief—but industry and self-denial—and to ascribe the disease to any thing but the true cause, unwise legislation and prodigality. And when I say this, sir, I don't mean to exempt the States from the charge. No, sir, not at all. I do not mean to exempt Virginia, and I will never vote for a man to represent me in her Legislature, who will not there vote for short sessions and low taxes. And if it becomes necessary, as it never yet has been, I will turn out, sir, and electioneer against him upon these very grounds.

That is a good Government which takes from the people nothing that it can spare. I mean nothing that the Government can do without. I would always give the requisite supplies. Yes, sir, I would not stop the supplies unless the Government refused to redress grievances; but, if it did, I would follow the example of those very ancestors who are now quoted on the other side. Yes, sir, I would then stop the supplies. I would not hesitate to vote against any item in an appropriation bill; yes, sir, and against the appropriation bill itself, if I could get at my object in no other way. Sir, we are the keepers of the people's money, and what other function can be so important? If you let me have the keeping of your money, I shall be very glad to be discharged from the custody of your person and the protection of your wife and children. Such a state of things would benefit me much more than if you were an Ethiopian. Sir, look at the condition of other people. Look at the state of the Irish, that brave, honest, gallant, warm-hearted people, (too warm-hearted, I grant you, sometimes, when their hearts sail too fast for their heads.) They are the most oppressed of the human race. I make no exception, sir; no, none at all.

But do I take part with their oppressors? Far from it. Look at the people of England. I ask the House to turn their eyes to the sea-girt isle. And, sir, I hesitate not to acknowledge that I feel towards that country as a Greek of Syracuse would feel towards Peloponnesus. The French, indeed, are not so badly off, yet many of them are extremely wretched, if that can be called an extreme which, like Milton's fire, has an extreme still more fierce beyond it. You see there the same empiricism, the same *Charlatanerie* that we see here. There is, at this moment, within three miles of St. Stephen's Chapel, more misery and more vice than exists on the whole of North America, the West Indies included. And what is the cure, sir! The philanthropists, instead of ferreting out that which is immediately under their noses, or rather which they are glad to stop their noses to avoid, occupy themselves in taking care of the slaves of Mr. Watson Taylor, Mr. Beckford, Mr. Hibbert, and other West India gentlemen, whose condition, in comparison with the *conaille* of St. Giles's, St. Paul's, Westminster, and other quarters of London, is a condition of independence, virtue, and happiness. The misery before their eyes they cannot see—their philanthropy acts only at a distance. (I will not say only, for there are some very good men, no doubt, who do relieve the sufferings at home.) Their philanthropy acts only through their ears, and not through their eyes—they reverse the Horatian maxim, that what a man sees affects him more than what he hears. Sir, there are *lazzaroni*—I used the word because they are so—there are *lazzaroni* all over Europe, and I am far from sure that we shall not have some of them here—they were *lazzaroni* only who took up arms in defence of Naples—sturdy beggars, if you please—sturdy dogs—but as far above the condition of the oppressed peasantry of Ireland in food and raiment as a slave here is above the condition of a slave in the West Indies.

Sir, I am very sensible that I have wandered somewhat from the point in debate—seduced, probably, by that very kind attention which the House has accorded to me. If there is any gentleman who thinks I have said too much—that I have said what I ought not to say, or, not as I ought to have said it—let such gentleman remember that it has not been owing to me that this subject is here. For myself, I should be satisfied if we could pass the other appropriation bill, and then go home. I hope we shall pass upon such salaries as are to be abolished or retrenched here, in this House, and not suffer the subject to go to a committee at all, until we shall have settled the principle. I am in favor neither of the amendment, nor of the resolution. I shall vote against both. If we are of opinion that any officer of the Government receives too much salary, why must we send one of our committees on a voyage of discovery, or rather of undiscovery—for they can and will discover nothing.

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Sir, I shall add no more at present. I have many and heavy things to say—high matter, sir—when the proper time shall come; but I reserve it until then.

MR. TAYLOR, of New York, said: If I understand the object of the mover of the resolution, it is to abolish useless offices, to reduce extravagant salaries, and to apply the savings to the payment of the debt. That object is distinctly kept in view by my amendment, without encountering the objectionable features of the original resolution. Whatever shall be saved by retrenchment under the existing laws, must be applied to pay our debts. At the close of the last war, the party which had declared it, and had carried the country successfully through its perils, considered its work but half done, until provision was made to relieve the country from the burden it had left on our shoulders. Our debt at that time exceeded 120 millions of dollars. For the punctual payment of the interest, and the gradual reimbursement of the principal, a sinking fund was established, which, in its regular operation, has paid the interest, and already reduced the principal of that debt to 55 millions of dollars. Not only have the pledged ten millions been thus applied, but also all the surpluses which remained in the Treasury, over and above the sum limited by law.

There was, indeed, a period, said Mr. T., during the last Administration, when the condition of the Treasury was such, that it could not regularly pay to the Commissioners of the Sinking Fund the annual ten millions. The appropriations remained a charge upon the Treasury, and although loans, to the amount of several millions, were authorized, and negotiated, the Treasury still remained debtor to the Commissioners. It was in this condition of the country, when, on the one hand, we were increasing our debt by loans from banks and individuals, and, on the other, not paying our debt to the Sinking Fund, that the reformers, the much-abused radicals, of whom, said Mr. T., I was one, succeeded in reducing the army rank and file, from 10,000 to 8,000 men, and disbanding useless officers. This operation saved about a million a year, which has already amounted to seven or eight millions, without the least injury to the public service. Since then, the condition of the Treasury has been more flourishing. Within the last three years, it has paid the balances it owed to the Sinking Fund. The principal of the public debt has been extinguished to an amount exceeding twenty-one millions of dollars, and nearly twelve millions paid for interest. The speedy extinguishment of the remaining debt can only be arrested by some unlooked-for national calamity. It has been steadily and most successfully pursued by the present and preceding Administrations. It is the settled policy of this Government, in which all men of all parties unite. Why, then, is it now brought forward, as if it were some new discovery? Surely, it cannot be necessary, for the purpose of

confirming our courage, to abolish useless offices or reduce extravagant salaries. I have been no advocate, said Mr. T., for raising salaries. Most of the laws increasing them, both in the Legislative and Executive branches of this Government, have been passed in opposition to my vote. When the Secretaries at the head of Executive Departments had smaller salaries, they lived less expensively. They were not required—it was not expected of them—that they should keep open house, and entertain all members of Congress and strangers, who might visit the seat of Government. Most of them could not do it without ruin to their private fortunes. When you raised their salaries to six thousand dollars, you did them no service. You imposed upon them the necessity of living in more splendor, but in less comfort. Put the salaries back to the old standard, and they will have more time for private study and public duties; and I doubt not you will have their thanks.

MR. BUCHANAN said, that if the House should determine to adopt any resolution on the subject of reform, at the present time, it ought to contain a distinct proposition, that it was expedient to discharge the national debt as soon as possible. For this reason, he could not vote for the amendment offered by the gentleman from New York, (Mr. TAYLOR.) When that gentleman moved an amendment, which, if it should prevail, would strike out all that part of the original resolution which related to the extinguishment of the public debt, he expected to hear some reasons urged for such an omission. In this he had been disappointed.

Sir, said Mr. B., I know it has become very fashionable in the present day to say, that we are discharging the public debt too rapidly. Many deplore that it is melting away so fast: and although it has not been openly avowed that a public debt is a public blessing, yet such is the necessary tendency of the remarks which we often hear. Upon this subject, I beg the House to recur to the past history of the country. What was the amount of our debt before the late war? It had been so much reduced that a very wise and a very great statesman felt himself at a loss to know how our surplus revenue could be expended, after the debt should be entirely extinguished. To accomplish this purpose amendments to the constitution were recommended. But war came, and in less than three years, the public debt increased from forty-five to one hundred and twenty millions of dollars. It was a maxim of the Father of his country, that, in peace, it was our duty to prepare for war. How can we better prepare, than by paying our debts? According to the system which has been pursued by this Government from its origin, we have, comparatively speaking, no resource left, in time of war, but a resort to loans. They and they alone must support our credit in the day of trial; and yet this resource had nearly been exhausted before the close of the last war. What has once been, experience teaches us may be again. A war,

by injuring our foreign trade, would cut off many of the sources of our revenue, and we should be compelled again immediately to resort to loans. I wish, then, if possible, to be clear of debt, when another war shall commence. Our debt, reduced as it has been, is still much larger than it was at the declaration of the late war. A future war would, in a very few years, raise it higher than it ever has been. I am, therefore, in favor of husbanding all our resources, and applying the whole surplus, not absolutely necessary for other objects, to the extinguishment of the national debt. If, therefore, we shall pass the resolution, I trust that this object will stand in the front rank.

I know that the process of extinguishing the debt has been rapidly advancing for several years, and I do not complain that the present Administration have not fairly applied the sinking fund to this purpose. Although I do not pretend to be their friend, yet I am willing to admit, they have gone on to carry into effect the law creating that fund, which was so wisely enacted by our predecessors. This rapid extinguishment of the public debt has been productive of much good to the country. Among other benefits, it has essentially promoted domestic manufactures, by forcing capital into that channel of business, which would never have been thus employed, could it have remained in the public stock. I shall vote for no amendment which shall not embrace, in distinct terms, the position that the public debt ought to be extinguished as speedily as possible.

If the gentleman from North Carolina (Mr. CULPEPER) had reasoned upon the fact which he stated, and had drawn the fair deduction from it, he would, I think, feel the force of the remarks which I intend to make. He says that but one bill has passed into a law during the present session, and that one is a bill providing for the pay of the members of Congress. I would ask that gentleman, why is this the case? Why has not more business been done? If he had asked himself these questions, he would probably have discovered the true origin of my remarks. I wish to speak with all due deference to the members of this House, when I say it is my desire, by reducing our wages, to make it our interest, as well as our duty, to do the business of the country as it arises, and go home as soon as possible. I do not wish to be in a hurry—I do not wish to act without due deliberation; and yet, I firmly believe that the public business might be better transacted than it is at present, in little more than half the period of our long sessions. I do not profess to be “an aged gentleman;” but yet, upon this subject, I can speak in the language of experience, and am glad that there are many gentlemen around me who can correct me if I should fall into error. I would ask, what has been the course of legislation which we have heretofore pursued? What have we done during the first half of every long session? I answer, comparatively nothing. The fact stated

by the gentleman from North Carolina, (Mr. CULPEPER,) in regard to the business which has been transacted during the present session, is substantially true of those that are past. But I do not complain of the waste of time alone. The necessary consequence of this manner of proceeding is to force the whole business of the session in a solid mass upon the House near its close. Then we have so much to do that we can do nothing well. There is neither time nor opportunity for investigation; and measures are adopted, the nature and character of which cannot be understood by the House. Immediately before the close of the session, we are employed in passing bills until 12, 1, 2, and 3 o'clock in the morning. I have been upon this floor at a late period of the night, when important amendments were arriving every few minutes from the Senate, which were adopted, when, I believe, there were not more than thirty or forty members present. I do know that it was then in the power of any individual, by merely calling for a division, to defeat any of these measures. This would have furnished official information to the Speaker that a quorum was not present, and then no business could have proceeded.

Mr. MITCHELL, of Tennessee, said, I shall vote for the resolution. It was with pain I saw the apparent laugh and amusement which the resolution, and the remarks which accompanied it, afforded to some of the gentlemen of this House. Their feelings towards a new member must be very different from mine. I view such a member as coming fresh from the people, and, therefore, not long enough here to be contaminated by bad principles, or evil example. He is fresh from the oven of public opinion; and, as such, bearing the impress of the people. The gentleman from Kentucky speaks, I do not doubt, the sentiments of seven-eighths of the honest and intelligent people whom we represent. What he speaks is not his own language; it is the language of the people. And while I listened to him, I felt an emotion of shame that I should, in any degree, during the little time I have been here, have weakened my feeling of reverence for what I believe to be the will of my constituents. The constitution itself, by appointing a periodical term for our service here, reminds us of the principle that the representatives in this hall ought, from period to period, to come fresh from the people, reflecting their sentiments, and speaking their language. And, sir, he who disregards this principle, will most certainly fall a victim to his own folly; and, in saying this, I do not speak the dreams of imagination, but the language of fact. It has been said, in this discussion, that we have the cheapest Government on earth. Have we, sir? I can call the attention of gentlemen to one which has outlived all the republics of the world—of Athens, of Sparta, and all the other republics of Greece. There is not one among them all which is equal in this respect to the little republic of San Marino,

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which has endured now for fourteen hundred years. So long, sir, as a republic continues simple, its Government cheap, and its people virtuous, it will perpetuate their happiness; but as soon as the Government becomes splendid, and its officers grow into rulers, it will surely be of short continuance. Now, sir, what is the present situation of this cheap Government? Why, sir, would it be believed that the number of persons actually engaged in it amounts to double the number of our military force? Yet such is the fact at this moment. The number of officers in the various departments of this Government, civil and military, amount to no less than nine thousand. Can they all be really useful? No, sir, it is impossible. I have been informed, said Mr. M., and believe, that, in the Ordnance Department, the disbursement of about three hundred thousand dollars costs the Government nearly seventy thousand. Sir, in this there must be something wrong. There must be something rotten in Denmark.

Sir, it has been said that the gentleman from Kentucky ought to have pointed out the particular mischief which he wished to remedy. But this is not in the power of any individual, unless he can devote the whole of his time to the inquiry. And I therefore hope this resolution will not be sent to the Committee of Ways and Means, but will be confided to a Select Committee, who may be employed exclusively in this investigation. And I have entire confidence in the discretion of the Chair, that such members only will be put upon it, as are not already burdened. I hope they will go into the numerous departments, and search every thing to the bottom. I repeat, there are now 9,338 persons employed in these various departments. Sir, is this like a Republic? It is like any thing else in the world. Within the small period I have enjoyed a seat on this floor, I have witnessed a very strong desire to multiply officers, but no movement of reform. It has been said by a gentleman more aged in experience than I, (Mr. RANDOLPH,) that this is not the accepted time. Sir, I cannot agree with that gentleman. It is always the time to do good. Now is the accepted time. A continual drip will at length wear a hole in a stone, and so will continual perseverance, in attempting retrenchment, eventually succeed; and I have been delighted to see, in so many members of this House, a disposition to carry forth this measure to the good of the country. Look, sir, at the vast expenditure of this Government, and compare that expenditure with the simple form of the Government itself. This, sir, is the true principle of comparison, and not to compare our expenses with the expenses of England, of Russia, of Austria, or of France. Such a comparison is manifestly unjust. Our own Government stands alone, and the parallel will not apply. When we look at the simplicity of its machinery, we shall find the Government of Great Britain a very unfaithful monitor. It

will be worse if we go to that of Russia, and it will not be better if we look at any Kingly Government whatever. How many new offices have been created since the days of our prosperity? And when I speak of the days of prosperity in this Republic, I refer to the first days of Mr. Jefferson's Administration. Those were the days of its glory. The Republic has been deteriorating ever since, and will soon slide, unless carefully restrained, into the ocean of profligacy. The gentleman told us that the Military Academy at West Point did not confine its benefits to the sons of the well born, and the rich. But, sir, I ask what orphan son of a widowed mother is ever recommended to that institution? No, sir; we recommend a boy whose father is abundantly able to educate him, and we do it because that father is also able to aid us in our election to this House. The gentleman says the school is conducted with the greatest Republican simplicity. Sir, I am at a loss to know what idea the gentleman attaches to those terms. If ever there was a monarchical institution on the face of the earth, the military school of France not excepted, this certainly is one. Sir, it is one of the very creatures of royalty. But we have been told that we must not stop here; that we must have a naval institution also, in which young men from the first circles may receive their education also, at the public expense; and I venture to say, when they have got it, they will be more useless, if possible, than before. But it is with these that our navy is to be filled. Then, to crown all, we are to have a national university, intended, no doubt, to prepare young men for filling seats on this floor: then, sir, all things will be going on beautifully, and the poor people will be run down under our feet. God save me and my posterity from any such Republican institutions. Sir, we are misled by names. A spade is not called a spade. We call these Republican institutions. But I say, let the States educate their own sons. Let us have that cradle which brought forth a Washington and a Jackson, to bless their country. When, sir, did gentility do any thing for the public good? When did pomp and show prolong the date of a Republic? Remember how Thebes mouldered into ruins when her people sought to outvie the Persians. Remember what became of Sparta when she forgot the simple laws of Lycurgus. So will this Government crumble into ruin, before twenty years, unless we stop the wheels of its downward course in profligacy and extravagance. We come from our homes, many of us at least, poor and penniless—we look at the magnificence of this Hall—we learn to attend upon levees, and to bow to those who are in fact our servants, and we soon disdain to own that we were poor. We are dressed at the public expense, and soon cut a fine figure, but this course will soon destroy us unless we stop midway in our mad career.

Mr. DANIEL, of Kentucky, said: the adop-

tion of this measure would, in his opinion, produce much good. It would set on foot an inquiry whether the public expenditures are not exorbitant, and ought not to be reduced. In any general attempt to reduce the public expenditures, it was highly expedient that Congress should set the example. Let us (said he) begin by reducing our own compensation, and then other public officers will have no reasonable ground of complaint if we should reduce their salaries, which measure might otherwise be made a matter of reproach to us. It is my opinion, that, with proper prudence and economy, a man may be paid for his services, and live very well on six dollars per day; and when gentlemen seem to think that two dollars saving per day is not worthy of the deliberate consideration of such a dignified body as Congress, they ought to consider that the saving of two dollars per day on the pay of each member would amount to hundreds of dollars per day: and for the number of days in each session, would amount to an immense saving. Such would be the effect of reducing the pay of members from eight dollars per day, to six, or five, or four dollars per day; and members might live comfortably for less than the latter sum, the expenses of living in this city being nothing like what he anticipated and expected when he left home.

In our own State, where the members of the Legislature receive two dollars per day for their services, they live well during the annual session, and return home, at the end of it, with 50 or 60 dollars in their pocket, &c. Another reason which induced Mr. D. to favor a reduction of the public expenditures was, that it was proposed to increase the duties on woollen goods, &c., to such an extent as to operate as a prohibition on their importation, the consequence of which would be, that the people must be taxed, by a direct tax, for the support of this Government: and gentlemen, who were in favor of what was called the tariff principle, ought to consider, if they meant to press that measure, that it was indispensable that the expenses of the Government should be retrenched. To this, he presumed, a portion of the public officers could have no great objections; and especially the Secretary of the Treasury, who was so desirous that the import duties on certain articles should be augmented.

FRIDAY, January 25.

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The House resumed the consideration of the resolutions heretofore submitted by Mr. CHILTON. The following amendment, moved by Mr. TAYLOR, of New York, being under consideration:

"Resolved, That the Committee of Ways and Means be instructed to inquire into, and report to this House, what officers, in their opinion, may be most advantageously discontinued; what salaries will reasonably bear reduction; and such other

means of retrenchment as to them may be necessary.

Mr. FLOYD, of Va., said that he was opposed to the amendment, because, in his judgment, it was not likely to result in any thing beneficial either here or elsewhere. It amounts in substance to this, that a committee shall be directed to tell this House that which they already perfectly know—that there is prodigality and waste in the expenditures of this Government; and because that very thing on which the whole nation has so long felt the greatest anxiety, is, by this amendment, to be stricken out of the resolution. I mean, said Mr. F., the expediency of discharging, as speedily as possible, the national debt. The time has now arrived when this House is bound to do something decisive in its character. Heretofore, the operation of this Government has been, in a great degree, beyond our limits, and confined to objects of a constitutional character; but now a new era has opened upon us, and we are about to feel all those calamitous consequences which its measures and policy are destined to bring upon the people. It is very true that the doctrine advanced under the elder Adams, that a national debt is a national blessing, has not now been distinctly avowed; but the same doctrine is substantially advanced in a different shape. We have been told that a national debt for which stock is issued by the Government, is beneficial and desirable, because it enables capitalists to invest their money in the United States securities, and then, if death overtakes them, a permanent provision is made for their wives and families. The interest on their investment, though not, perhaps, so great as that arising from other stocks, is sure, and can be received with certainty, being free from all those risks and changes which arise from the misconduct of Bank Directors, and other contingencies to which it would be liable, if invested either in commerce, or in the stock of turnpike roads, steamboats, canals, &c., which seem to be the mania of the day.

Mr. STEWART rose to say a few words in reply to his colleague, (Mr. BUCHANAN,) and the gentlemen from Virginia, (Mr. RANDOLPH and Mr. FLOYD,) who had spoken against the resolution. The object of this resolution is to institute an inquiry, to ascertain whether abuses exist in the public expenditures; whether there are any unnecessary offices and salaries: and whether retrenchment may not be beneficially resorted to. For his own part he was decidedly in favor of the resolution. Let the doors of inquiry be thrown wide open; let every one enter and see for himself. He would vote for it, whether referred to a Standing or a Select Committee; or whether the amendment now proposed was adopted or not; he would vote for the amendment, because the preamble proposed to be stricken out, seemed to him to contain an assumption of the very facts which it was the end and object of the proposed inquiry to ascertain. Mr. S. was decidedly in favor of every

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inquiry into supposed abuses; and, if found to exist, he would go with him who dares go farthest in applying the corrective. The gentleman who introduced this proposition, who comes immediately from the people, and from a highly excited political contest, tells us, what is undoubtedly true, that the public mind is excited on this subject; that the people believe the Government has become wasteful and prodigal, that abuses exist, of the most alarming character: and so strong was the popular sentiment on this subject, that he was obliged to give a pledge to his constituents, before he left them, to bring this subject immediately before the House—it was then, in his judgment, alike due to public opinion, and to the character of the Government, that this inquiry should be promptly instituted. If the alleged abuses exist, let them be exposed and remedied. If not, let these clamors be silenced by the report of a committee of this House—let the public ear be disabused and the public mind put at rest.

If abuses exist; if there are too many offices; if salaries are too high or too numerous; if the public money is wastefully and prodigally expended—where is the fault? At whose door lies the sin of these offences? The fault is in this House, sir. We hold the purse strings of the nation, and we are responsible, and we will be held responsible, if we apply not the remedy promptly and efficiently. Public offices were not only created, but the salaries fixed, and their payment annually provided for, by law. Every appropriation of money for every object of expenditure, down to the lowest clerkship in the Departments, had to pass under the notice and receive the sanction of the Committee of Ways and Means, and afterwards of this House. He therefore hoped the inquiry would go on—its postponement would be a disregard of public duty on the part of those who believed in the existence of the evils and abuses complained of. His colleague had said, that he considered it too late in the session; that half the session had now gone by. If half the session were gone—what have we done? It had been said, and said truly, that but one bill had yet become a law, and that was to provide for the payment of our own wages! What would become of the tariff if half the session was gone, and no bill yet reported to the House? But, for one, if abuses existed, as had been alleged, he would stay here (however reluctant) till midsummer, if necessary, to expose and correct them, and fulfil the other duties which we owe to the country and our constituents. But, gentlemen say we must go to work “systematically;” let each individual go to work and ferret out abuses and expose them. Expose them where? In the public prints? For what purpose, and with what view? This could lead to no practical result. No, let the resolution be adopted, let the subject be referred to a committee of this House; if abuses exist, let them report a bill for their correction;

if not, let the fact be stated, and let the tongue of misrepresentation be silenced; let the injurious reports now abroad upon the wind, and wafted to the remotest parts of our country, be exposed to merited reprobation. The gentleman from Virginia (Mr. RANDOLPH) says, we will, by adopting the resolution, send the Committee of Ways and Means not on a voyage of discovery, but of “undiscovery;” this constituted no objection to the measure. The gentleman had alleged the existence of many and great abuses. If so, does the gentleman doubt the ability or disposition of the able Chairman of the Committee of Ways and Means, to ferret out and expose them? He presumed not. This duty is imposed on the Committee of Ways and Means, by the rules of the House; it was a duty for which they were particularly qualified, by their familiarity with the whole range of public expenditures constantly presented to their view. He would be glad to see an annual report from that committee, presenting, in one clear and comprehensive view to the country, an exhibit of all the expenditures of the several Departments of Government, civil, military, commercial—with the considerations which recommend their continuance or discontinuance: thus public attention would be attracted to abuses if they existed, and, if not, misrepresentation and unfounded complaints would be silenced.

Mr. BLAKE said: Mr. Speaker, the question is not whether the national debt should be extinguished, but whether the present Administration is an extravagant and prodigal one or not. Before I left my constituents, to discharge the duty they had been pleased to assign me in this House, I had heard repeatedly and frequently that the patronage of the Administration had become alarmingly extensive—that the officers in various Departments under them received higher salaries than their services entitled them to, and that the disbursements of the public money were prodigal, and menacing to the liberty of the country. These complaints were not made generally without assigning a responsibility, but they were all charged upon the Administration; they helped to swell the catalogue of misrepresentation and complaint against the present incumbents in the high offices of the Government. Those distinguished individuals were represented as setting an example of extravagance, of nourishing and extending the evil to the community around them at the public expense; and their conduct generally, it was emphatically said, was incompatible with the true character of a Republic, sustaining and recommending the notion that this Government should be splendid and profuse like the old Governments of the other hemisphere. That the gentleman from Kentucky has introduced his resolution, and presented the subject seriously before the House, is therefore matter for rejoicing. I shall support an inquiry into these charges most willingly. Let the resolution be adopted, let the investigation be proceeded in,

and pushed thoroughly—let the gentleman and those who may be assigned to aid him, have every assistance from this House, so that the inquiry may be conducted to the greatest advantage. If it be the fact, that this is such a wicked and unprincipled Administration as it is represented, let that fact be made appear and reported to us, and let every member of it tremble for the consequences that will await him from a betrayed and indignant people. But if it be mere fiction, originating in the heated minds of political zealots, let that fact also appear, and let a generous acknowledgment be made. And, sir, I trust that there is in this House a sense of generosity, a spirit of chivalry, which under all circumstances, will support its honor, and induce it to redress the calumniated and the injured. Sir, I cannot vote for all the resolutions offered by the gentleman from Kentucky, but for that one which is retained in the amendment proposed by the gentleman from New York, which contemplates an inquiry whether any retrenchment be necessary or not. The other resolutions which precede it, state it as a fact that abuses do exist, and I am unwilling to sanction such an admission by my vote, until I have some evidence that they do exist. So far as he contemplates an inquiry, I will go with the gentleman from Kentucky, but I cannot admit any loose and unsupported charges; nor am I as yet prepared to say that retrenchment is necessary—that the salaries of officers are exorbitant, and that abuses exist in the disbursement of the public money. Sir, we were told yesterday about the West Point Academy, and that the manner in which it was supported was a reflection on the present Administration. It is true that the Administration has sustained and nourished that Institution. And why so? Did the Institution originate with the present Administration? No, sir. It was recommended by the illustrious Washington, so frequently and deservedly called the Father of his Country, was established by Congress in the second year of the administration of Mr. Jefferson, and, from first to last, has been protected and cherished by every Administration. If it be an improper establishment, and one calculated to undermine the political institutions of the country, let not the blame be attributed to the present Administration, but to those who have gone before it. We are told by the gentleman from Tennessee, (Mr. MITCHELL,) that it is a place for the education of the sons of rich men, and that the sons of poor men do not participate in its benefits. Since the remark was made by the gentleman, I have inquired particularly into the facts, and I have learnt enough to satisfy me that the gentleman has been misinformed—that he is mistaken—that the appointments are distributed without regard to the pecuniary circumstances of the parent of the applicant—that the sons of the poor as well as the rich have received them—that it is enough to know that the youthful candidate is one of promise, and that the district in which he resides has not re-

ceived its full complement; and these facts being established, the Secretary appoints without regard to the exploded qualification of family rank.

Mr. Speaker, I am not prepared to say that a general retrenchment is absolutely necessary—that there are more officers employed here than are required by the public interest. If such was the case, I am inclined to believe that the distinguished individuals at the head of the Government, would have recommended the measure. My opinion of those gentlemen is very different from that which the honorable gentleman from Virginia (Mr. FLOYD) appears to entertain of them. I believe them to be as intelligent, as honest, as patriotic, as any set of men at the head of any Government in the world, and that we have cause to rejoice that they are our countrymen, and have been placed at the helm. If justice should not be done them now, posterity will do them justice; but I hope, and trust, and believe, that the present age will do them justice, notwithstanding the many predictions and appearances to the contrary; and, sir, as it relates to my humble fortunes, I cheerfully and fearlessly peril them in the same barque, and am willing to sink or swim with the cause of the present Administration.

Mr. WRIGHT, of Ohio, said he owed it to the subject to express his satisfaction that this matter had been introduced into the House; and, said Mr. W., I may be permitted, I hope, to congratulate the country on the auspicious prospects which now appear to attend the proposed inquiry. So long ago, sir, as the 18th of May, 1826, I presented to the House a proposition having in view the same object with that avowed by the gentleman from Kentucky, (Mr. CHILTON.) A reference to the Journal of that day will show a proposition introduced by me, to amend the rules of the House, so as to raise a standing committee on retrenchment, whose express duty it should be to examine into the mode and manner in which business was transacted in the various public offices, to ascertain any abuses that existed, and suggest the proper remedies, and propose measures calculated to promote economy in the transaction of public affairs. The proposition met with little favor then, and I was unable to get it off from the table. I am glad to see many gentlemen, from whom I then received neither aid nor countenance, anxious to promote the measure now. I then preferred a general Standing Committee, because, in looking over the duties assigned to the various committees of the House, I was afraid that this, as I then thought, and still think, important subject, would be neglected by committees charged with so many other duties. At the last session of Congress, sir, thinking that, if I directed my efforts to one single subject, I might be more successful, I offered a resolution directing an inquiry into the expenditure of the contingent fund of this House. In looking over the items of expenditure connected with it, I thought many of them extravagant

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and unnecessary, conducing more to the convenience of members than to the advancement of the public interest. I thought retrenchment ought to be made, and that it was proper the work should begin here, in this House. This project failed, as did the other. I am really gratified that the subject is now here under different auspices, and that the present proposition meets much more favor than either of mine did.

I have, sir, still another cause to congratulate myself that this subject is introduced in the House at this time, and under the present auspices. The present President of the United States has recommended it to your consideration in his two last messages. This shows the subject is not a new one, brought forward for the first time by the gentleman from Kentucky. The President, in his Message to Congress, in December, 1826, says: "It is well for us, however, to be admonished of the necessity of abiding by the maxims of the most vigilant economy, and of resorting to all honorable and useful expedients, for pursuing, with steady and inflexible perseverance, the total discharge of the debt." In the Message of December, 1827, he says: "The deep solicitude felt by all classes throughout the Union, for the total discharge of the public debt, will apologize for the earnestness with which I deem it my duty to urge this topic upon the consideration of Congress; of recommending to them again the strictest economy in the application of the public funds."

Sir, if we really wish to retrench the public expenditures, and reform existing abuses, we have reason to felicitate ourselves on the prospect of doing something; and I have reason to be satisfied that a measure which, when brought forward by me, wholly failed to find favor, and which, when earnestly and repeatedly recommended to our consideration by our present excellent and vigilant Chief Magistrate, under the injunctions of the constitution, could not attract the attention of the House, or draw out one friend of economy and reform in its favor, has now drawn to its support the aid of many gentlemen, from different sides of the House. I hope something will now be done. I have supposed that, in some of the many public offices to which the business of the nation is consigned, there is extravagances and abuses that need remedy; but I owe it to candor to say, I am unable to say precisely where the extravagance or the abuses can be found. I want the subject inquired into by a competent committee, and fully probed to the bottom. Give us information and light, and if reform be needed, let us reform. I entertain the opinion that this duty would be better performed by the able, experienced, and diligent Committee of Ways and Means, than by any Select Committee which may be raised, composed, probably, of new members. Gentlemen must be more fortunate than I have been, if, in visiting the offices on business, they can find their way through the

different official ramifications of the offices; and they will, I fear, make slow progress in searching for abuses where they are ignorant of the routine of business. If gentlemen will advert to the duties devolved by the rules of the House on the Committee of Ways and Means, they will find that, among other things, that committee is required "to inquire into the state of the public debt, of the revenue, and of the expenditures, and to report, from time to time, their opinion thereon; and to examine into the state of the several public Departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with those laws; and also, to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the Departments, and the accountability of their officers." This committee, then, is the proper committee; its members are familiar with the whole subject, many of them are old members; they have long contemplated the whole routine of public business in the offices, and can act speedily and efficiently. They know where to strike; from them I should expect something; but I should not feel the same confidence in a Select Committee. I hope, therefore, the reference will be to that committee; but if that is refused, I will vote for a Select Committee.

Sir, it has become fashionable, in various parts of the House, for gentlemen to rise and to proclaim their desire to do the public business and go home; and I will avail myself of this occasion, lest I should not be favored with another, to say, that it is also my desire to do the public business and return home. I am willing to engage in doing the public business, and work at it, and when done, to go home. But I am not willing to go home before we have made some effort to do the public business, even if we fail in accomplishing it. What have we done? The gentleman from Pennsylvania (Mr. BUCHANAN) has told us the session is half over. We have passed a law appropriating money to pay ourselves, but what else have we done? Let gentlemen examine into the business done, and they will find we have passed no other act. Let us not go home and leave the public business, but do it, and then talk of going home. If I understand the gentleman right, (and I always listen to him with pleasure,) he avowed himself favorable to retrenchment and reform, but thought it not the accepted time to engage in that work. Why is it not the accepted time? If I seek an answer in the remarks of the gentleman, I find nothing but the observations alluded to, that the session was half through, and we ought to do the public business and go home. Is the gentleman content that we infer from this that retrenchment and reform is not the public business? Surely he would not admit that. We have done nothing—there must be some public business done before we go home. What are we to do? This, sir, is public business—let us engage in it. Let us retrench—



ferret out abuses, if any exist—and reform. The gentleman has declared that he is no friend to the Administration. I declare I am a friend to the Administration; and I am for engaging in this measure—which has been repeatedly pressed upon us by the President—and correcting any abuses that shall be found to exist. I will go with the gentleman in this work. Begin the inquiry; and if we are unable to accomplish our object before the close of the session, I will go farther, and empower the committee to send for persons and papers, and allow them to sit here during the whole recess of Congress, if necessary, that we may have the information at the commencement of the next session of Congress, in time to act on it then. Let us go to work, and stick to it from morning to night, and try to do some of the business before us.

The Chief Magistrate was a candidate for reelection; the people should be informed if these charges are true. An issue is made up and submitted to the decision of the people, and before they are called on to pronounce the guilt or innocence of this officer, they should be furnished with the evidence—all the evidence on the subject. The gentleman from Virginia, entirely over the way, (Mr. FLOYD,) supposes the friends of the Administration are opposed to retrenchment, and to the reduction of the public debt. Sir, I know of no such opposition of the friends of the Administration. No one has avowed any such feelings. The supposition is groundless, altogether gratuitous. The friends of the Administration are friendly to retrenchment: but if they were not, if any friends were opposed, I have shown in the extracts I have read, that the Cabinet and President are in favor of both.

Sir, we have been told of great extravagances and of many abuses—but no one has been specified. I regret that this is not the case. Tell us where the abuses are to be found—what officers' salary should be reduced. Is it that of the Postmaster General? Will any gentleman say his salary is too great a compensation for the various and arduous duties devolved upon him? If he does, let him satisfy me of the fact, and I will unite to reduce his pay. But how can the Administration be chargeable with waste and extravagance? They can expend no money except on the appropriations of Congress; and what laws have we passed, since the commencement of the present Administration, to increase expenditures or salaries, except that of the Postmaster General? I recollect none. If then, there is waste and profligacy, and extravagance, it originates and continues here. Point out the extravagant object, and withhold the appropriation. We are to blame—we hold the purse strings of the nation, and I am not disposed to surrender them, and we can close and open the purse at pleasure. The gentleman from Virginia, (Mr. FLOYD,) speaks of visionary and extravagant projects. Does he rank among the visionary and extravagant projects that introduced by himself, to establish a new

Government at the mouth of the Columbia, or Oregon River? I formerly went with him in favor of that bill, but he says so much of visionary schemes, that I begin to doubt if that be not one.

Mr. McDUFFIE moved to amend the amendment proposed by Mr. TAYLOR yesterday, by striking out all after the word "that," with which it commences, and inserting as follows:

"The Committee on Public Expenditures be directed to examine into the manner in which the moneys appropriated to defray the expenses of foreign intercourse have been expended, and that the Committees on the several Executive Departments be directed to inquire into the manner in which the moneys appropriated for the contingent expenses of those Departments have been expended; and that the said several committees do make special report to this House, as far as they can ascertain the facts touching the matters before stated."

In support of this amendment, Mr. McDUFFIE said, it was with no affectation he declared his sincere regret at the introduction of this matter, and at the course the discussion of it had taken. I was fully convinced, from the beginning, said Mr. McD., that no subject could be stirred in this House, bearing either directly or indirectly on the two great parties militant now in the field of political warfare, that would not interfere most injuriously with the appropriate legislative business of Congress. It was this conviction that caused me to do every thing in my power to arrest this debate at its commencement, and to regret that the motion of the honorable gentleman from Virginia, (Mr. RANDOLPH,) to lay the resolution on the table—a regret in which, I have no doubt, the House must, by this time, participate—did not prevail. But we have now fully got into the discussion. All attempts to avoid it have been defeated by the concurrence of both sides of the House; and so far as it can be considered a party question, a portion of both parties appear to have rushed into it. So far as my conduct is concerned—whether as it relates to my duties as a Representative of the people, or as a member of a party—I would have it distinctly understood that I shall, in this matter, act upon my own grounds and upon my own opinions.

In the first place, then, I think it proper to say, that I do not regard it as becoming the dignity of this House, or as consistent with the public interest, which it is our special duty to promote, to entertain jurisdiction of any question which is either intended or calculated to have a political bearing upon either of the two parties that now divide the country. Unfortunately for the public interest, we have too much reason to apprehend the undue and improper infusion of party politics into the discussion of those legislative measures which it is our duty to consider. Under this impression, I entered upon the business of this Congress with a fixed purpose of avoiding any reference to this Administration, farther than was indispensably necessary to the proper discharge of my duty

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in relation to those public measures which belong to the legislation of Congress. But, sir, I presume I shall obtain credit when I say that, if it shall ever become my duty to make any movement here tending to implicate this Administration, I shall openly and distinctly avow my purpose. Believing it, however, to be incompatible with the interest of the country to carry on this discussion, either for the purpose of inculcating or exculpating the Administration, I sincerely hope it will be speedily terminated: for, as to any other object, it must evidently end in nothing. No practical result can possibly grow out of it the present session. With regard to the number of officers existing under this Government, and the salaries they now enjoy, I would remark, in the first place, that the present Administration cannot be fairly made responsible, but to a very small extent, for the one or the other. The offices were created, with a few exceptions, and their salaries fixed by law, before this Administration came into power. A proposition to limit the number of these officers, or to curtail their salaries, ought not, therefore, to be debated as a question affecting the present incumbents of the Executive Government. That certainly is not the point of their responsibility. On the subject of the proposed retrenchments, I differ entirely from the mover of the original resolution. The true mode of effecting reforms really and extensively beneficial to the country, is not by lopping off public officers with an indiscriminating hand, and curtailing salaries without a due regard to the importance of the duties for which they are paid. This is at best but a very small business. No saving worth the discussion could be effected by it. If any thing salutary is to be done, it must be a general and systematic reform of the system which regulates and controls the disbursement of the public money. An effective system of responsibility might save millions in the public expenditures; I make this general remark without any reference to the actual operations of the Government, so far as they are connected with the present Administration. But I will state for the information of the gentleman from Kentucky, (Mr. CHILTON,) and for the purpose of illustrating the view I am presenting, that there are two of the Executive Departments, as well organized, both with reference to the efficient performance of the duties belonging to them, and to the strict observance of economy in the disbursement of the public money, as any Departments ever were organized in any Government on earth. I refer, sir, to the Department of War and that of the General Post Office. Yes, sir, it is susceptible of the clearest demonstration, the system of strict accountability introduced into the War Department by the late Secretary of War, effected an annual saving of at least one million of dollars in the expenses of the Military Establishment, independent of the reduction of the Army. The improvements introduced into the Post Office Department,

have added, in a manner not less striking, to its usefulness and economy. Since that Department was committed to the management of the excellent, and able, and faithful officer who now presides over it, an increase of half a million of dollars has been added to its annual revenue, while the facilities for the transmission of intelligence by the mail, throughout every portion of the Union, have been increased two or three-fold. And how, sir, were these signal improvements effected? By diminishing the number of the officers connected with those Departments? So far from this being the case, the number of officers was as much increased as was necessary for a proper distribution of duties and division of responsibility. To each officer was assigned his appropriate duty, and the officer whose duty it was to control and check the disbursing officers, had no agency in making the disbursement. To the complete success of this system in the Post Office Department, a considerable increase of clerks has been indispensable. And I was informed the other day by the Postmaster General, that one single clerk had been the means of saving fifty thousand dollars, I think, in the postage of newspapers alone. What are we to infer from these facts on the subject we are discussing? I will tell you, sir. As it is apparent that no beneficial reforms have ever yet been introduced that did not proceed from the chief officers of the Executive Departments, so may we justly infer, that no important improvements ever will, or ever can be made, without at least the aid and co-operation of those officers. If we have not at the head of those Departments, able, efficient, and practical men—men, sir, who have a talent for business—I will not say for action, lest I should be misconstrued, as on another occasion, to mean military action—unless, in a word, we have men eminently qualified, not only to talk about public business, but to do it successfully, it will be in vain for this House to attempt any thing like a beneficial reform in relation to the expenditure of the public money. It must be obvious, I think, from these views of the subject, that it will never answer any good purpose, to go blindfold into the business of reform, cutting off indiscriminately this officer and that, without a thorough and comprehensive knowledge of the whole system, and the relation which the officers in question bear to that system. So far, therefore, as the resolution of the honorable member from Kentucky proposes a reduction of officers, or a decrease of their salaries, and that seems to be its principal aim, I repeat my opinion, that the inquiry must end in nothing. We should only send a committee of this House a tilting against shadows. With what consistency, sir, could any committee of this House recommend a reduction of the number of Executive officers, when, at the very last session, Congress authorized, by law, an increase of the number employed in almost every one of the Executive Departments? I cannot, therefore, consent to indulge the peculiar views of any

member on either side of the House so far as to consume the time of this House, which ought to be devoted to the ordinary business of the session, in what must evidently prove to be an unprofitable inquiry, and worse than an unprofitable discussion. I have no idea, sir, of converting this hall into an arena for conducting a political canvass. A few words, sir, with regard to the amendment I have offered.

It appears from the very large vote recently given against laying the resolution on the table, including both parties, that the House deem an inquiry necessary and proper. The friends of the Administration seem to regard such an inquiry necessary to exonerate the Administration from the imputations supposed to be cast upon them. Now, I am clearly of the opinion, that, if we go into an inquiry at all, it should not be mere children's play. If we are to prosecute an inquiry into the alleged or the possible abuses of the Government, let us direct that inquiry, specifically, to those parts of the system where such abuses are most likely to occur. Though I will never sanction the injustice of making this Administration responsible for the extent of the peace establishment, civil and military; yet the application of the various contingent funds placed at their disposal, is a very different matter. I perceive the gentlemen on the other side of the House are very prompt to meet this as an attack on the present Administration, and to insist upon an inquiry, with a view to their defence and exculpation. I would suggest to those gentlemen, that, if their object is to whitewash the Administration, they can accomplish it only by giving the inquiry a direction such as I have proposed. All the other points of inquiry that have been suggested, are perfectly immaterial, so far as this Administration is concerned. But if there has been any thing extravagant or improper in the application of the contingent fund, they ought to be held responsible for it. I have no knowledge as to the manner in which this fund has been employed, particularly as relates to diplomatic agents and messengers sent abroad. I have, however, seen it repeatedly stated in the public prints—and I can make the matter no more notorious by stating it here, or I would not state it—that a distinguished editor of a newspaper in Virginia, received from the contingent fund about 1,700 dollars, for going to Buenos Ayres on public business, when, in fact, he went to Europe on his own. Abuses of this kind, if they exist, ought surely to be exposed and corrected. If they do not exist, it is due to the officers implicated, that the truth should be presented in an authentic form to the public. I think the contingent fund a very proper subject of investigation, without any reference to alleged abuses. There should be an annual scrutiny by the committees of this House into the application of all the contingent funds, and the scrutiny cannot be too minute. Sir, I was anxious to get rid of this subject altogether; but, as it has been forced upon us from all sides

of the House, I cannot consent to it only in the specific and practical form indicated in the amendment I have submitted.

Mr. RANDOLPH addressed the Chair. That has arrived, (said he,) which must have been foreseen by every member yesterday, whether he voted for or against the motion to lay this resolution on the table. This House is converted into an electioneering arena. I should not, permit me to say, before I go any farther, have inquired of the gentleman from Ohio "over the way"—I will not say out of the way—at which of the two gentlemen from Virginia who had spoken on this subject he levelled his remarks, if he had not responded to the inquiry of my colleague that he did not intend them for him: and, as at my call he declares that he did not intend them for me, I leave it to that other gentleman from Virginia, whoever he may be, who has spoken on this debate, to take them to himself.

[Here Mr. WRIGHT asked permission to explain—but Mr. RANDOLPH refused to yield the floor for that purpose.]

But, (continued Mr. R.,) if the gentleman meant my colleague, (Mr. FLOYD,) to my colleague I relegate the gentleman, being well satisfied that he could not be in better hands. Yes, sir, with this thing I have done forever. I will not be provoked, nor will I suffer myself to be induced to enter into personalities with any man upon this floor; but I do know that the newspapers have it in their power, and, whether designedly or not, they do exercise that power, of giving to my remarks a pungency and an application, which, as made by me, they were divested of—I refer now to a late and notorious occasion.

And now, sir, let me call the attention of the House to the amendment of the gentleman from South Carolina, and the peculiar state of things in which we are. I will vote for the amendment of the gentleman from South Carolina, but, if it is adopted, I shall vote against the resolution, as amended. I was sent here to discharge the duties of a Representative to the best of my ability, for the good of those whom I represent; and that duty I shall discharge, undeterred by calls of yeas and nays, and by the bugbears and hobgoblins which may be conjured up of any supposed responsibility—undismayed by any fear of imputations of suppressing inquiry, or of conniving at public abuses—insensible to any imputations of throwing out against Government charges which I am not prepared to establish. I shall vote against the resolution, fearless of consequences, and the motives upon which I vote I will avow to my constituents, and in the face of the world. I have never yet refused to do so, under much more trying circumstances than the present—for, in proportion as the atmosphere presents nothing but clouds and darkness to the view of the gentleman from Indiana, (Mr. BLAKE,) so to me the aspect of it exhibits indications of returning sunshine. No, sir, I shall

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not be deterred. I shall do whatever I think right—and when I say so, I do not say that others will not—far from it—I will not vote for any proposition, whether from friend or from foe, which I think calculated to injure the great cause of the people of these United States. No, sir, no gloss that can be given to my words, no coloring whatever that may be put upon my conduct, shall induce me to say aye when I am inclined to say no, or no when my feelings prompt me to say aye. I may stand alone. I have been in small minorities under the first of the present dynasty, and I have been in a minority under the second, and it is very possible I may be in a minority now—but that will make no difference to me.

Sir, it is a received maxim of the common law, drawn from the only fountain of wisdom, experience, (and the experience of ages,) that no man shall be trusted to try his own cause, or be a witness in his own case. It is on the application of that wise and salutary maxim to our present situation, that I say no to this inquiry. I say no. The gentleman from Indiana has told us that, for his part, he is willing to sink or to swim with the Administration. He has nailed his colors to the mast. Sir, I admire his gallantry, but he must pardon me if I have no wish to sink along with him, or, what is worse, to sink the cause in which I am embarked against him, by agreeing to any measure, prudent or imprudent, concerted or unconcerted, matured or precipitate, which any new or any old member may throw into this House. I say to that gentleman, and to others, that, as soon as they give us the helm, we are responsible, and not before, for the safety of the ship. But I will not consent to inflate her sails—I will not consent to impel her canvas—I will not consent to work like a galley slave at pulling the oar, while she has a helmsman who may at any time he pleases run her on a shoal, and make me responsible for the result. No, sir, I will be content to wait. I will wait, sir, until a factious majority of the people of the United States, who have returned a factious majority to the other House, and as I hope to this also, shall have elected a factious President. Sir, you had scarcely taken your seat in that chair, before one of the master spirits of the times sneeringly said to us, I wish you joy, you are now the majority in both Houses, and you are responsible for the measures of Government. I cry you mercy, Master Stephen, I cry you mercy—we are not, and do not mean to be thus responsible; and for that very reason, because we do not, I shall vote against this measure, and against any other out of the ordinary routine of business, that may be brought up. Sir, with the gentleman from South Carolina (Mr. McDUFFIE) I am for masks off. And now what do you mean to do? Do you mean, as the gentleman from South Carolina said, to send to a man, who is both witness and judge in his own case—and in using this language, it may be said that I am making implications

against illustrious and great men, to whom the people of the United States, and a just posterity, and even the present age, will not fail to do justice. Sir, I do no such thing—I make no other implication than that which every free and wise people make against our common nature—I do say, it would be requiring more of parties implicated, than can justly be demanded from human nature, and therefore at least as much as can fairly be demanded of them, to ask them to decide in this case. You are requiring men, whose political existence hangs by a single hair, and who have already the *risus Sardonius* of political death upon their countenance—for it was with a Sardonian sneer that we were told that we had become responsible for the measures of the Government; you are required to call upon them to do any thing which may have an effect to hasten that event. Sir, I will do no such thing. I will not call upon them. And why not? Because I may, by possibility, by that call, put it in their power to protract a little longer their political lives. I say by possibility; and that is a possibility which I am determined to avoid. No, sir, if this House is to be converted into a political arena, and I shall be accused as one of the gladiators, whether the man with the trident or him with the net, I do not say, I am clear that we should so speak that every man, woman, and child, in the United States, shall be able to understand our drift. I then shall call upon the present men in power for nothing that can, directly or indirectly, enable them in the smallest degree to affect the great question which is now at issue between them and the people of the United States, in which, as interested parties, I will take none of their evidence that I can avoid.

I believe I have, by this time, pretty well explained my object. Sir, what should we have said, thirty years ago, of one of that party, to which I had the honor to belong, as the youngest and most humble member, if he had brought forward a proposition, unconsulting and unconsulted, which might give the adverse party some color to their sinking cause, and put it in their power to live one more term? But, sir, I have another objection to the resolution. The public mind is in a state of excitement, such as must ever exist on the eve of a great political battle. And, sir, I should as soon look for perfect calmness and composure on the eve of a battle of another sort, or rather after the fight has begun, as that such an investigation should now be conducted with that patience and deliberation which it demands. Sir, the adverse party would gladly catch at such a resolution. In the time to which I have referred, the ruling party, for they held their majority in both Houses to the last, did catch at some such straws: they were drowning men—drowned they are. I had intended to have said something as to the challenges so boldly made, to point out the offices that ought to be abolished, and the expenditures which

ought to be retrenched. But I feel my strength unequal to my purpose. But I must say, that in the affair of the Panama (since called the Tacubaya) mission, not only new offices were created, but new doctrines were started in reference to the Executive prerogative, which were wholly unknown to the constitution and to the practice of the predecessors of the present Chief Magistrate; and I will tell my worthy colleague, (Mr. FLOYD,) if he will permit me, that there has been an improvement on his plan of sending Ministers abroad, and bringing them back when they have finished their business: for they are now sent abroad on sleeveless errands, that they may come back, *re infecta*, to pocket their emoluments. Is not this the fact? Sir, we have had (to say nothing of Tacubaya) two missions to England under this Administration; one of them was a complete abortion; and as to the other, what has it done for the public good? what object has it accomplished? We were told by the very accurate gentleman from Pennsylvania, (Mr. BUCHANAN,) whom I always hear with pleasure, that these missions were justified on the ground that the acquisition of South America had created a swarm—I believe that was the word—of Diplomatic appointments. So much the worse for us, sir. Are we, whenever a nation, great or small, changes its relations to another nation, and becomes independent of that other nation, instantly to send off Ambassadors to it? Are we to make use of the incident as a pretext for increasing that patronage which all profess to wish to diminish? But we are told that the President has recommended to us economy and retrenchment. Yes, sir, he did recommend them, in one of those lofty generalities with which all sermons, political or religious, abound, which might be printed in blank, like law process, and filled as occasion might require. But I, sir, am for looking at the practices, and not the precepts of the parson, political or religious. I suppose, sir, our good friends the Greeks—yes, sir, suppose that the Greek—who is *Græculus euriens*, the same animal now that he was in the time of Juvenal, except that he is less enlightened and refined—should succeed in throwing off the Turkish yoke—"the faith-keeping Turk"—I suppose we must have an Ambassador sent to every islet and nest of pirates in the *Ægean*, sir—we must send one to Hydra—one to the Continent—and one, I presume, to each of the Cyclades. So that, if my friend from Virginia, who is a medical man, will permit me the phrase, the disease, instead of being contagious, will be *sporadic*—as, indeed, it now is—and highly malignant.

Sir, I have never seen but one Administration, which, seriously, and in good faith, was disposed to give up its patronage, and was willing to go farther than Congress, or even the people themselves, so far as Congress represents their feelings, desired—and that was the first administration of Thomas Jefferson. He, sir, was the only man I ever knew or heard of,

who really, truly, and honestly, not only said, "*nolo episcopari*," but actually refused the mitre. It was a part of my duty, and one of the most pleasant parts of public duty that I ever performed, under his recommendation—not because he recommended it, thank God!—to move, in this House, to relieve the public at once from the whole burden of that system of internal taxation, the practical effect of which was, whatever might have been its object, to produce patronage rather than revenue. He, too, had really at heart, and showed it by his conduct, the reduction of the national debt, and that in the only mode by which it ever can be reduced, by lessening the expenses of the Government till they are below its receipts. Sir, there is no witchcraft in that—no, sir—no witchcraft at all—no more in paying a public than a private debt. You may have sinking funds, as many as you please, and never so vast a financial apparatus; but, if you spend more than you have, you will be in debt to the end of the world. Sir, so far from fearing any injurious effect from the too rapid payment of the national debt, I would pay the three per cents now—Yes, sir, I would pay them at par, if necessary—for it could only prove that money is worth but three per cent. Sir, I was the humble instrument of introducing the first efficient sinking fund, by setting apart a given sum of \$7,300,000, which ever operated to reduce the national debt. When that debt was increased by the acquisition of Louisiana—aye, sir, the acquisition of Louisiana!—and who was for and who was against it then?—who pronounced the acquisition unconstitutional and declared, in the other House, that we had no right to tax the people of that country!—the sinking fund was then raised to eight millions. Since that time, owing to the debt created by the expenses of the war, it has been raised to ten millions. The gentleman from New York (Mr. TAYLOR) himself admitted—and I thank him for it—(he was obliged to admit it, and therefore, perhaps, my debt of gratitude is the less)—that the sinking fund has not been faithfully applied to its object. Sir, I said, in some hasty remarks, when the gentleman interrupted my colleague, (Mr. FLOYD) that applying surplus balances to make up what had been pillaged from the sinking fund, was robbing Peter to pay Paul. No, sir, it is no such thing—it is robbing Peter to pay Peter—it is robbing the sinking fund to pay the sinking fund: for, as it has been over and over again said, the sinking fund has not only a right to its own modicum of \$10,000,000, but it is residuary legatee besides; it takes all the surplus, whatever that may be, as its own, and you never can give it any thing in return for that of which you rob it, except out of that surplus which was already its own. Can't give it any more. Your giving surplus balances to eke out the sinking fund, is nothing more than like the false guardian, who, when he comes to settle his accounts, pays off his debts to his

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ward with the money out of which he has cheated him.

We are asked by the gentlemen, why do you not specify? Particularize! particularize! Show us the particulars! You give us a sum total without any items, as Mr. Sterling says in the play. Will the gentleman have one? Sir, I will give you one of them. The House will give me that credit which I demand. It is only my due. I did state that, if we begin this system of reform, it ought to begin, like modern charity, at home. Sir, I never pretended that the House was not answerable for abuses as well as any other branch of the Government. Now for one item of them. Sir, at the first session I was on this floor—it was the last Congress of the first Mr. Adams—whether this will be the last of the second I cannot say—I find this item in the list of appropriations: For the expenses of fire-wood, stationery, printing, and all other contingent expenses of Congress, twenty-one thousand six hundred and sixty-four dollars and forty cents. This sum, sir, covered the expenses of both Houses, and included, besides, the extraordinary expense, and furnishing each member with a complete copy of the Journals of the old Congress. This House then consisted of one hundred and two members, one only of whom I see now left, (Mr. LIVINGSTON.) Now, we have 213 members. Then, according to the rule which has been introduced into this House—sir, by the simple rule of three, if 102 gives so much, what ought 213 to give? This item, be it remembered, included the expenses of the other body, but I shall confine myself now to the expenses of this body alone. For the present year, the total estimate for the contingent expenses of this House now differs but a trifle from ninety thousand dollars, of which, I am justified in saying, fifty thousand is for printing alone; and I have no hesitation in saying, sir, if the British Parliament paid for their printing by the same rule that we do, it is not five hundred thousand dollars—which we are told exceeds the whole annual expenses of Congress—but that is not my statement, remember—that will defray their printer's bill. No, sir, and it is not for me to say what will defray it. I happen to have had an opportunity of seeing a good deal of the printing of the British Parliament. It is not made up, like ours, of title pages and blanks, and broadsides of every thing and any thing—motions, petitions, bills, reports, resolutions, amendments, and every matter which can be brought into the House of Commons. No, sir, they go on and print closely; and where one line ends, another begins, (I make no allowance for the high rates of living and wages in that country;) but I will let the House into the fact, that when the rate of printing for this body was settled, a printer—a worthy and honest man, as I believe—was a member of Congress. I speak from the information of one of the first men in the country. The rate was fixed during the deprecia-

tion of paper money, which I described yesterday, when every thing brought ten prices, and it has remained not unsettled. No, sir; for it has been regularly settled and paid ever since. It has remained, from that time to this, at the same rate—though one dollar now will buy as much of land, slaves, every article from which we draw subsistence, as four dollars would buy then. To illustrate this, I will state a fact. A gentleman whom I knew, owning a fertile, but, as he thought, an unhealthy tract of land, on the Roanoke, sold it, and purchased a small tract, on which he built a house that cost him five thousand dollars, and that sum will build what is considered a first-rate house in my part of the country. The land itself was not good, nor was it bad. It was what is called fair land. The state of his affairs, like that of many of his neighbors, soon obliged him to sell, and he sold the land, without any allowance for the improvements, for three dollars an acre. An acquaintance of mine was tempted, by the lowness of price, to purchase the farm; thus verifying the maxim of Poor Richard—that he who buys what he does not want, always buys it dear: and so it turned out in this case. If he wished to sell it now, he could not get his money back. This single fact was worth all the declamation in the world. In the same quarter of the country, land (some of it good woodland) has sold for one dollar per acre!

Sir, I have not done with this subject of the public printing, and the price paid for it. I do not mean to worry the House. It is well known to the members of this House (and I hope what I now say will be taken down verbatim, if possible)—that the public printers of this House are also the editors of the most extensive—I mean in point of superficial content—the most extensive journal in the United States, and one which, from having been hitherto considered as possessing a sort of at least demi-official character—something like the *Moniteur*, in Paris, but not exactly—and from observing, or rather professing to observe, a strict neutrality, had obtained a most extensive circulation at home, and by far the most extensive abroad, of any paper in this country. Now, sir, we also know, that this journal is our main stay and reliance for the reports of our debates, and the proceedings of this House. Sir, I make no inference, further than to say—I do not say that the political existence of these people hangs upon the event of the next election—the thread of their existence, like that of the gentleman from Indiana, is connected with that election—they sink with the Administration, having abandoned their professed neutrality, if it sinks; and, if it does not, they will certainly swim. I make no more imputations on them than that they have \$50,000 per annum staked on the event—on a single card.

If the amendment of the gentleman from South Carolina shall prevail, if I understand the matter of it, this item of expenditure ought

to be included, as one over which we have complete control. I beg pardon, I should have suggested this before, but I knew that there was a committee of the House whose duty it was to audit its accounts, and to see that no improper items are admitted. I have pointed out one abuse, and I have done it where it was proper to point it out, at home. Sir, I have known of the existence of these evils for a long time. They were no secret to me, nor did I make a secret of them to any body; but I do know, that a man might calculate on as much success in going a tilting—not at shadows, as the gentleman from South Carolina says—not like the knight of La Mancha at sheep and windmills—but rather at a flock of mad cattle, pent up in a narrow lane, as to attempt to ferret out the abuses, without having the cordial co-operation of those who are at the head of the Departments; and that co-operation it would be worse than folly to pretend to look for. On that subject, sir, I declare the pleasure that it gives me to bear my testimony, such as it is, along with the gentleman from South Carolina, to the public services, the intelligence, the integrity, and the indefatigability of the officer who is at the head of the Post Office Department. I voted against increasing his salary. It is the only one of the Departments which I have lately had any thing to do with, and whenever I had occasion to go there, I have always found him in his office, and at his business. Sir, there was a time when I often had to visit the Departments, (which does not, however, affect the present Administration,) and then I seldom had the honor to find any of their high mightinesses at home—I mean, in their offices. Sir, we cannot expect the cordial co-operation of the heads of Departments in such an inquiry as is now proposed. They are pleading before the bar of public opinion for their lives, with a zeal proportioned to the strong evidence before the jury of their guilt.

I shall vote, however, for the amendment moved by the gentleman from South Carolina, and, if it prevails, I shall vote against the resolution as so amended. And let me, before I sit down, give one warning to all concerned. This country, as we all know, is divided into two adversary parties; and we must shut our eyes to the fact, if we do not know that this House is nearly, or quite, equally divided between them. *Fas est ab hoste doceri*. I see one of these parties, perfectly willing, no doubt, with the very great man to whom I have before alluded, to throw upon us the responsibility for whatever is done here, sitting perfectly still, steadfast, silent, and demure, bringing forward no proposition whatever. I see the other party throwing out proposition after proposition. The opposite party never commits itself until after a night's reflection. And what is the consequence? Though, I believe, a minority, they so manage matters, as on every question to constitute an effective majority of this House, and then

throw on us the responsibility of their own measures. Sir, this is a new sort of political justice.

Again, I see most plainly, with the gentleman from South Carolina, that this inquiry will end in smoke—and I am not one who will light the fire, or help to raise a smoke by which a retreating adversary may cover and protect his retreat. I will afford them no facilities towards victory. I stand here pledged as their adversary, *quoad hoc*, and I will add another pledge to oppose any and every party who would impose on this country any man, as its Chief Magistrate, besides him who receives the greatest number of its votes. Sir, if we must amend the constitution, I shall not vote for a hereditary Chief Magistrate—I do not belong to that privileged class—the President of a minority is hardly less odious than a king—but I warn the House against any attempt at reform while the President is not with us. In the Seventh Congress, in spite of all Mr. Jefferson did, his measures were thwarted; and when was an Administration stronger? Then, with a House of Representatives so equally balanced as this, (and I take the vote for the election of Speaker as the indication of its state,) with the scale vibrating, nearly in *equilibrio*, it is almost impossible to be certain of a majority, let our measures be ever so well concerted. How could we get along, even if the Executive was on our side, acting against a solid phalanx who hold together—so perfectly united that we cannot cut off a single straggler, while we ourselves act more like raw undisciplined militia! Sir, I speak from experience. In the Seventh Congress, sir, we never could have got along with the aid of the most popular President that ever lived, (except one,) without consulting before we acted. We were obliged to hold—I will not use a barbarous word which has become common throughout the country, and which I first heard in this body—but we were obliged to act in concert. And, sir, if we do not act in concert now, it is not we who will be responsible for the consequences. And how ought we to act in concert? Sir, by leaving this Government just in the course where we found it. We ought to observe that practice which is the hardest of all—especially for young physicians—we ought to throw in no medicine at all—to abstain—to observe a wise and masterly inactivity.\* I am afraid, sir, said Mr. R., on resuming his seat, that I have not, on this occasion, added to my precept my example.

[Here the debate closed for this day.]

SATURDAY, January 26.

*Retrenchment.*

The House resumed the consideration of the resolutions heretofore moved by Mr. CHILDS,

\* The expression of Lord Chatham, often repeated by Mr. Randolph, and generally as a quotation from that supreme master in the use of the English language.

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together with the modifications proposed by Messrs. TAYLOR and McDUFFIE.

And the question being on the amendment submitted by Mr. McDUFFIE to the amendment of Mr. TAYLOR—

Mr. CARSON said: In that part of the rules of the House prescribing the duties of the several committees, the attention of the Committee on Public Expenditures is particularly directed to this subject, and it is made their duty to examine into the state of the several public departments, and particularly into the laws making appropriations of moneys, and to report whether such moneys have been disbursed conformably with such laws.

We find this duty in the 65th rule of this House, as follows:

"It shall be the duty of the Committee on Public Expenditures to examine into the state of the several public departments, and particularly into laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers."

Now, I did believe that the duties of that committee being of this nature, precluded the necessity of the resolution which was offered, and I further thought that this was a very improper time for its introduction—that it could be attended with no beneficial result to the community, and that its only effect would be to waste the time of this body, and produce electioneering speeches on this floor. I was mistaken, as has since been shown by the progress of the present debate. It appears that even gentlemen who have expressed a disposition to transact the public business and return home, have nevertheless been actuated by an anxiety of a political kind, to turn this matter to the benefit of one or the other of the great parties which now divide this country.

He had explained himself on this subject, to a gentleman from Ohio, in the folding room attached to this House a few days ago, where he was justified in saying, that he saw thousands of the celebrated Virginia Address, written by Chapman Johnson, folding to be sent to the North and to the West, and even to the South; and the hope, I understand, is entertained, that the old State of North Carolina, among others, is to be revolutionized by the effect of this address of Chapman Johnson. But, sir, I can tell those gentlemen, who expect this to be the result in North Carolina, that they will find themselves completely defeated in all their efforts to produce such a result. Sir, North Carolina has repeatedly been tried, and in every instance she has been true to herself, and done her duty. I mentioned to that gentleman that all such attempts were perfectly useless, and the reply I received was, "Though the chances are now for you, yet a reaction will speedily be brought about," and this subject is seized upon as one means to aid in pro-

ducing that result. Sir, I do not care for this. No event in future is more certain, according to my judgment, than the election of General Jackson; but, let that be as it may, I wish to see no discussions on this floor, except such as are calculated to advance the good of the community, and that we may do the public business and go home, instead of remaining here, as the gentleman from Virginia (Mr. RANDOLPH) has said, to feed upon the public Treasury.

Speaking of the establishment at West Point, permit me to make one remark. Among the items in the estimates for that institution, I find the following: "For compensation to 20 supernumerary Second Lieutenants, \$15,100." Here are twenty young men who have been educated at the public expense, and who are now supported at their own homes, at an annual expense of \$15,000. Sir, is this economy? I know that that institution was got up under a different Administration; but this application of the public money has been made by the present Administration, and it is one of those expenditures which ought to be considered in the present inquiry.

Mr. BARNY said: While we confine ourselves, Mr. Speaker, to the legitimate duties devolved on us, we continue to be the representatives of 40,000 freemen; but that moment we condescend to become electioneering partisans, we resolve ourselves into units, one in the great mass of our countrymen, possessed of equal rights, and equally competent with ourselves to judge and decide on the important question, who shall become our next Chief Magistrate. I have resolved to steer clear of all party strife, but seek not to conceal my sentiments. I believe the present to be an honest Administration, ably administered. In Mr. Adams I behold a plain unpretending republican, who has enjoyed, in an eminent degree, the confidence of all his illustrious predecessors; incessantly devoting the energies of his vigorous intellect to the advancement of the best interests of his country; while the distinguished services of Gen. Jackson have encircled his brow with a wreath of never-fading glory, and embalmed him in the affections of a large portion of his countrymen. It remains with the only sovereigns, the people, to decide between their respective claims. It is not for me, nor for us, to interfere. We, too, are public servants, and have other important duties assigned to us. My maxim ever has been, and shall be—may the Administration of my country be always right, and while right may it be supported.

The gentleman from Tennessee has stated that there are twenty supernumeraries, graduates at West Point, now at their homes, unemployed. It is true, sir. Those young men, in four years devoted to study, are permitted but once to visit their families. After obtaining their degrees they generally receive a furlough of two or three months, which enables them



to renew that intercourse, and rekindle that glow of affection to their parents and friends, which too long a separation might entirely alienate. Will any father say that this is extravagant indulgence? It is, however, probable, that at this present moment, there are not vacancies in the army to offer them immediate employment, but in a very short time they become merged in the Register, and cease to be supernumeraries. Having seen and known at West Point the destitute orphan son of a widowed mother, who was there educated, and is now one of the most distinguished Professors, I mention the fact, to convince my friend from Tennessee that its benefits are not monopolized by the children of the affluent and influential.

The gentleman from Virginia expressed great repugnance at the idea of a son of his receiving an education at West Point. He would rather he should make his mark, and not be able to read or write. Sir, were this a charity school, so would every man who had the means to educate his children out of his own purse. Do not those young men repay the debt of gratitude due to the nation? A well-organized army, well-constructed fortifications, are necessary to its defence. The elements of military science imparted to them become the property of their country, and are called into active requisition, in the construction of its fortresses and resistance to its enemies; and even should they return to the paths of civil life, in imparting their science to the militia, our nation's best bulwark, they thus contribute more essentially to its advantage than while in the tented field. I have never ranked, Mr. Speaker, among the radicals. I hope I shall not be deemed a prodigal, when desiring to be found among those liberal politicians disposed to cherish the existing institutions of our country, and by ample appropriations, commensurate with her resources, advance internal improvements, cherish your Army, your Navy, increase your national defences of every description; and thus accelerate the speed of the Republic in her march to the high destinies which await her, and which can only be arrested by a system of injudicious and wasteful parsimony.

Mr. DANIEL said: All resolutions of this description, whenever they are introduced, produce much good. They awaken all concerned to diligence and inquiry; abuses are searched out, and the cause of economy promoted. Yet, it has appeared strange to me, that gentlemen on this floor, while urging every argument they can think of against the resolution, tell us, at the same time, that they are strongly in favor of it. They declare that they are very much in favor of searching out abuses, though there are no abuses in the Government to search out, and though they are certain it will end in nothing, yet that they support it, and will vote for it. This course of argument appears to me strange. That abuses do exist, I have not the

least doubt; if they do not, why do gentlemen oppose inquiry? Can any injury result from it? If the Administration be indeed as pure as some gentlemen seem to imagine, it ought to be their boast and pride that the search should be made, let it result as it will. They call upon us to point out the abuses. Many have already been pointed out. But, is this the time to call out for a detail of the abuses, when we are just appointing a committee to inquire if any abuses exist? They make a question, and answer it themselves. They tell us all is well. Every thing is as it should be. Well, sir, if so, let the inquiry go on. Let us see if the Administration is as pure as they would have us believe. I acknowledge that I am incompetent to point out the various abuses that may exist in a Government so complicated as ours. It is only from newspaper rumor that I derive my knowledge of it. And, if I am to believe what I see there, then I can have no doubt that there ought to be an inquiry. I could name some offices which have been created under this Administration. The Panama mission has cost us somewhere about \$80,000 or \$100,000. Has it resulted in any great benefit? A Minister was sent to England, who was perfectly superannuated, and wholly unable to perform any duty, and it was through this that we lost the West India trade, and this, in my opinion, was a great loss. There was another great abuse of power. This man was known, at the time, to be incompetent, and his mission cost us \$30,000 or \$40,000. We have had another Minister sent out since, who has returned without much benefit. There have been other abuses. Men have been paid for taking out despatches to our Ministers, who went out in the very ship with the Ministers themselves. I should certainly have thought, that the Ministers might have so far condescended, as to take charge of these documents themselves. Another instance of abuse is to be found in the outfits of our foreign Ministers. \$9,000 per annum as salary, I should think, was an ample provision, without \$9,000 outfit, especially when we furnish a vessel, and bear all the expenses of their transportation to the spot. This, in my opinion, is an item which calls for retrenchment, and, under the resolution, it can be reached. But, we not only give our Ministers outfits when they go out, but we must give them homefits when they come home. Was not this the case with young Mr. King? He had an outfit of \$4,500, and yet his homefit was paid him within sixty days. Is there any example of this under other Administrations? Sir, it is enormous. It may appear a little sum, but it is very much if rightly considered. The expenditure of the public money in the Government at home, has been made the subject of equal abuses. In the Quartermaster's Department of the Army, the disbursement of \$800,000 is attended with an expense of \$50,000 or \$60,000. Is there any one who cannot see that this is an abuse?

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[H. OF R.]

Mr. CLARK, of Kentucky, said: I am now glad to see a prospect of excitement being allayed by means of the resolution introduced by my friend from Kentucky. I preferred the original form of the resolution, however, since I think that the Committee of Ways and Means is the proper organ through whom this inquiry should be made. It will be recollected that, at the last session, the Secretary of the Treasury earnestly recommended the exchange of the sixteen millions of the present six per cent. stock of the United States for other stock, of a later date of payment, at five per cent., by which operation, had it been adopted, there would have been effected a clear annual saving of 160,000 dollars, and I consider it well worthy of consideration by the Committee of Ways and Means, whether such an exchange cannot still be effected. I preferred the first resolution, because it referred the inquiry to a committee which may justly be entitled the first in this House, and of which I am free to say, that, in its wisdom, application, and integrity, I entirely confide. I think the subject ought to be referred to that committee, and to no other. It is one of the peculiar subjects over which that committee is called to preside, by the Rules and Orders of this House; and although I should be loth to burthen the committee with unnecessary labor, yet I consider it of vital importance to call forth, in this inquiry, the first talents of the country. It is an investigation, which, from its own nature, cannot properly be executed unless by an individual intimately acquainted with all the operations of the Departments of this Government. The Committee of Ways and Means, in the regular discharge of their duty, have been compelled to acquaint themselves with the routine of business in the Departments. They have the knowledge and are familiar with it, and they could prosecute the inquiry with one-third of the labor that would be required by any other committee of the House; and when they should present a report, it would have far more of the confidence of this House, than if proceeding from any other quarter.

Sir, I have regretted to witness the character of this debate. Surely, this is a question which does not characterize party in this House. Surely, we have not yet arrived at that degree of mutual ill-will, and that disregard of all public justice, which, when abuses are to be investigated, arrays the members of this House in compact and opposite ranks, for and against any Administration, or for and against any Presidential candidate. Such a state of things were beneath the dignity of this House. Surely it becomes us all to do strict justice to him who administers the concerns of the country, be that individual whom he may. If, on the one hand, it is important to the welfare of this people that their Representatives shall drag forth into public view that man who violates their trust, and expose him to the infamy which he deserves, it is equally impor-

tant, on the other, that they should measure out to him who has discharged that trust with laborious fidelity, a just reward.

I did not voluntarily misunderstand the gentleman, (Mr. MITCHELL, of Tennessee,) but the course of his remarks induced the belief that such had been his intention. The gentleman, however, must allow him to make a single remark on the manner in which cadets were introduced into the Military Academy. He seemed to suppose that the existence of that institution furnished, in itself, an evident proof of the correctness of his remarks, that, ever since the days of Mr. Jefferson, the state of the country and of the Government had been growing worse. He spoke of the days of Mr. Jefferson as emphatically the days of our prosperity, but the gentleman surely knew that the Military Academy was organized during those very days. When the gentleman said that its benefits were confined exclusively to the sons of the rich and of the "well-born," I do not know that I perfectly understood him. I had always supposed that all were well-born, who came of honest parentage. We have in this country no privileged orders. But the gentleman says, that none are admitted into that school, but the sons of the "well-born and of the wealthy." In this opinion, the gentleman is certainly mistaken. Unless I am greatly misinformed, (and I have my information through a very direct and creditable channel,) nine-tenths of those who have been admitted, and are now there, are not the sons of wealthy parents. I admit, however, that they are "well-born;" for, not only are they the sons of honest parents, but a large proportion of them are the sons of officers and soldiers who fell in the revolution and in the last war. If these are not fit subjects to receive the benefits of that institution, I am at a loss to conceive who ought to be so considered. Their parents were indeed poor, but they were honest and patriotic, and they shed their best blood for that liberty, and all those political blessings which the gentleman from Tennessee now enjoys, and which I hope he may long continue to enjoy. In the charge he made, he was certainly mistaken, and, if he will take the trouble to inquire, he will be satisfied of the fact.

Mr. MITCHELL, of Tennessee, said: I rise merely to support the allegation which I made, which, to my mind, is as irrefragable, as the rock of Gibraltar is immovable. I said that the benefits of the Academy at West Point are given to some of the well-born, and as the gentleman professes not fully to understand the meaning of that expression, I will treat him with a dissertation upon it. None can abhor the word more than I do: for this is a Government where merit ought to rise, from whatever station it may proceed. But the Government has converged; the poor and humble are looked upon as "*canaille*," to use an expression of the honorable gentleman from Virginia, (Mr. RANDOLPH,) but the man possessed of

thousands of dirty acres, (no matter how he may have got them,) is regarded as a person of consequence and consideration! It is the sons of these, and such as these, who are called the well-born. But there is a species of people among us whom the Government has fostered, even on this floor, who esteem wealth more than they do all the knowledge, talent, and virtue, of a sage. I acknowledge that property is a great blessing when bestowed by the munificence of Heaven upon men of talents and integrity, who consider themselves as stewards for the benefit of society; but there are others, in whose hands property is one of the greatest of curses. I hope that the gentleman, by this time, has a full view of what I meant by the term well-born. Sir, I know of no such thing as personal distinction, under this Government. I see, indeed, an attempt at it, but that attempt is odious to me, and to all who think as I do.

Now, sir, who are in this West Point Academy? One gentleman tells us that there is to be found the son of a widowed mother. Sir, I should be glad the gentleman would name him. I certainly never heard of such a one before. [The honorable member here named some of the youths who were at the Academy, whose names and parentage the reporter was not able to catch with sufficient distinctness to embody them in this report, commenting upon them as he went along.] Sir, I feel no enmity whatever towards those who conduct that institution. God bless them—they are in what they believe to be the course of their duty, and it is not with them that I find any fault. It is the institution which I hate, and I hate it for the reasons I have stated. From a district adjoining that of my colleague, there is a young man of wealth and splendor—but, sir, this proud soul of mine shall be bent as low as that point of degradation to which the Government seems likely to bring us all, before a son of mine shall be brought there. Notwithstanding I have the same privilege with other members, I should deem myself unworthy of the confidence of the hundred thousand souls who have sent me here as their Representative, if I could use that privilege in favor of any son of mine. Sir, my colleague did me no more than justice, when he said that I usually speak with caution in this House. Sir, I never speak unadvisedly; neither is it my desire or intention to hurt any one. I am, it is true, the son of a corrupt and fallen race, but my conscience does not reproach me with ever designing to speak what is wrong. In what I said of this Academy, I spoke from data, as I hope the gentleman also did when he told us about the son of a widow who had been received there. I know him not, and I protest before Heaven and this House, that it is my sincere belief that no son of a forlorn and destitute widow has ever been received there. But when I speak of a forlorn and destitute widow, I do not mean a woman who has merely lost her companion in life; by

that description I understand a woman depressed by poverty, who has a family to maintain, and who is compelled, by necessity, to drudge from the morning to the night, (like the unwearied ant,) for her offspring. She is a forlorn widow, and I never yet heard of the son of such a one being recommended and admitted to the West Point Academy.

Mr. ANDERSON, of Pennsylvania, said: The supposed prodigality and extravagance of the Government for some time past, had afforded a rich theme for declamation throughout every part of the United States. Newspaper essayists had been clamorous on the subject. And where, he would ask, have we been told, we should find evidence of this prodigal expenditure of the public revenue? In the subordinate offices of the Treasury Department? No, sir. Where, then, are we told we should find it? In the East Room. There, it has been boldly asserted, would be found the glittering and costly representatives of thousands upon thousands of the public money. There, sir, we have been informed, we should find the most incontestable evidences of the extravagance and prodigality of the present Administration! And what is the fact? After being led by curiosity, or by the glaring light of this *ignis fatuus*, to its pretended location, what do we find? Nothing, except a few chairs, apparently of domestic manufacture, and of little value. He would beg leave to ask, what had gone with all this costly furniture, if it ever was there! As that constituted a very important part of the duties of the Committee of Ways and Means, which devolved upon them by a Rule of the House, he had no doubt they would inform us. For the purpose, then, of ascertaining whether such an unpropitious state of things did exist, in relation to the management of our financial concerns, he was willing that the inquiry should be made, and that the fact of their existence or non-existence should be disclosed. If a disease so alarming, and so malignant in its character, existed in the body politic, let a prompt and efficient remedy be applied, lest, by delay, the disease should become incurable. If reform was necessary, let us go to work promptly. If retrenchment in all or any of the Departments was required, let the fact be speedily ascertained, and the remedy applied. If, on the contrary, it should be found, on inquiry, that no reasonable ground of complaint existed, that all the subordinate offices were indispensably necessary for the despatch of the public business—that the salaries of the officers and clerks were not extravagant—let the public know it.

All his deliberations on the subject had led to the conclusion, that, as all those offices, about some of which so much had been said, had been established by legislative acts—that, as the salaries of the officers and clerks were fixed by law, and graduated, no doubt, by a due regard, as well to the public interest, as to the nature and importance of the services to

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be rendered—it would be uncharitable in him to charge the Government with extravagance, unless he had better information, and stronger evidence of the fact, than could be derived from newspaper essays. He should not, he thought, be passing a very handsome compliment on the very able and highly distinguished predecessor of the present honorable Chairman of the Committee of Ways and Means, should he be induced to make a charge so illiberal.

Mr. BUCHANAN said: As the House appears determined to pass some resolution upon the subject now before them, I shall take the liberty of making a suggestion in relation to the Military Academy at West Point. It is chiefly intended for the committee who may have charge of the resolution.

I cannot agree with some of the gentlemen who have addressed the House, that the Military Academy should be abolished. On the contrary, this Government, possessing the power of making war, and being under a solemn obligation to provide for the common defence, owe it to themselves and to the people of this country, to furnish them with the means of military instruction. War, especially in modern times, has become an art, nay a science, so extensive and so complex in its nature, that its theory can only be acquired after years of application. A Military Academy is the best plan which has ever yet been devised of communicating military instruction. It is true, that a few men of brilliant genius, have appeared in the world, who, without a military education, by mere intuition, have excelled in the art of war. These splendid exceptions ought not to detract from the general rule that a military education is necessary to make a skilful and efficient officer.

Gentlemen have complained, and I believe with justice, that there now are several supernumerary cadets. I would suggest the source of this evil to be, that the Military Academy is too large for the Army—or, if any gentleman will have it so, the Army is too small for the Military Academy. A just proportion does not exist between them. The supply of officers which the Academy furnishes is too great for the demand of an army not amounting to 6,000 men. This state of things gives birth to another evil. No man who now enlists as a private soldier in the Army, no matter what may be his capacity, or what may be his conduct, can ever expect to be promoted above the rank of a petty officer. He can never indulge the hope, which the policy and the practice of the wisest nations have sanctioned, that he may one day become a general officer. Every avenue to promotion is closed against him by the graduates at West Point, who always have the preference and are more than sufficient to furnish the army with officers.

Whether the Government, in addition to furnishing the means of a military education, ought to feed, and clothe, and pay the cadets, whilst they are receiving it, is a question well

worthy of the attention of the committee to whom this subject may be referred. One thing is certain, that, whatever other sins may be fairly chargeable against the present Administration, they cannot be justly chargeable with the establishment of the Military Academy.

#### *Admonition and Exhortation to Order.*

The Speaker (ANDREW STEVENSON, Esq.) rose and addressed the House. He felt, he said, very deep regret at the personal and unpleasant character which the debate had assumed, and which, if continued, was calculated to have a baneful effect upon the character and deliberations of the House. The Speaker certainly could have no wish to restrict improperly, the freedom of debate. He had never attempted it; he never should; but at the same time he felt it a duty that he owed the House, the nation, and himself, to interpose the authority of the Chair in maintaining the order and dignity of the House, and in repressing personalities and recriminations, which could produce no other effect than deep excitement and personal altercations. In the eagerness of controversy, and the commotion of debate, it was often very difficult for the Chair to interpose successfully its authority in preserving order, and limiting debate; in cases of great or unusual excitement, it could never be done without the most prompt and vigorous co-operation of the House. In making these remarks, the Chair intended no allusion to any particular member of the House. He had risen to impress upon the House the necessity of enforcing order, and sustaining the Chair, and to entreat gentlemen, who might be disposed to mingle in the debate, to refrain from personal and recriminating remarks towards each other, and to confine themselves to the subject under consideration.\*

MONDAY, January 28.

#### *Retrenchment.*

When the House adjourned on Saturday, a motion had been made by Mr. DORSEY to lay the resolutions of Mr. CHILTON, together with the amendment thereto, on the table. On the opening of the debate this morning, Mr. DORSEY withdrew his motion, and the question then recurring on the amendment of Mr. BLAKE—

Mr. BUCKNER, of Kentucky, said: I have said that, when offered, I was prepared at once, and willing to aid the proposed inquiry. Yet, candor compels me to declare, that such a vote would not have been founded on any belief, or even suspicion, that there were such abuses as those pointed out. They may be: if so, they are not within my knowledge. As a friend of the Administration, there was no option allowed me, as to my vote. We occupy an entirely different attitude from gentlemen of the opposition. If they will exhibit accusations,

\* Every thing is omitted in this abridgment which led to this interposition of the Speaker.

and get up debates, however useless, by which that time is consumed which should be devoted to important business, it is not our fault. Situated as we are, it could not reasonably be expected that we would refuse to meet them. What was the resolution in substance, as originally offered? That the national debt should be speedily paid off; that, to effectuate this, a general retrenchment of public expenditures should be resorted to; that the number of officers employed in the public service should be lessened, and the salaries of those retained, diminished. In support of this, it was said by the mover, that there were sinecure offices, that we had departed from the republican simplicity of our ancestors; that the public money had been uselessly squandered, &c. Now, sir, whilst I admit that the public debt ought to be discharged at as early a period as possible, without detriment to other great national interests; and whilst willing to vote for an investigation of the alleged prodigality, I neither sanction it as correct, nor concur in the gentleman's argument. After all that was said by him, in general terms, about profusion, national bankruptcy, &c., what were his specifications? That the services of the Fifth Auditor might be dispensed with, the occasion for which that office was created having long since passed away. That our tables were every morning piled with useless documents, and reports as long as the moral law. Whilst he seemed to imagine that, to the gentlemen of the South and the North "rocked in the cradle of ease and luxury," this would be considered as a matter of little moment, in the West there was but one voice concerning it. Whatever, sir, there may be of prodigality of public money in this matter, it savors more of any thing else than luxury. But, if the gentleman so estimates it, let me assure him, that, throughout the session, he will have it in his power to indulge his appetite in all the luxury of a most delectable variety. Reports, and the testimony upon which they are founded, must be printed and laid before us, to enable us to determine correctly such claims as are presented to Congress. They are cases in which redress can be obtained, and justice done nowhere else. Many of them are for very large amounts of money or property. In such cases, are we to act blindfolded, and attempt to dispense justice at hap-hazard? Surely not. If, in any particular case, any gentleman believes that it would be useless or improper to print them, when the motion is made to have them printed is the time to oppose it.

Yet, sir, I am not not at all disposed to censure the gentleman who introduced the resolutions. He did so, no doubt, under honest convictions of their propriety—he had seen these charges of extravagance, of corruption in the disbursements of public money, repeated so frequently, in a thousand different shapes in the newspapers, by editors in various parts of the United States, from some of high standing, down to the curs of the very lowest degree,

until he began to believe there must be some truth in it. However zealous a man may be in his pursuit of truth, even falsehoods may be repeated in his hearing so frequently and confidently, that at last they are received as truths. May I not now be allowed to indulge the hope, that my colleague has become satisfied, that he entertained most erroneous conceptions of these matters? Else, why has he so entirely abandoned his original resolution? Sinecure offices, high salaries of officers, the unnecessary number of them; the high per diem allowance to members seem to have been forgotten, and we are now invited to inquire as to the manner in which the money appropriated for foreign intercourse, and for the contingent expenses of the Executive Departments, has been applied since 1824—yes, sir, since 1824. There lies the secret. All errors, if any, committed before that period, are not worth investigation. They would shed no valuable light on the subject. The occurrence has passed by, and is no longer of any moment. It would be of no service in suggesting the propriety of any change in the law on the subject. Very well, let the inquiry be so limited. I am willing to go back as far as they please; to commence, and to stop, where they please. Should there be any thing wrong in the management of the affairs of this nation, by this Administration, let it be made appear. If it be an error of the head, a magnanimous and generous public will scorn to punish; if it proceed from corruption, it will show that they ought no longer to be trusted. When proof of this is produced, none will be more ready than myself to pronounce a verdict of guilty. But idle suspicion, and worse than idle rumor, shall never influence my judgment.

We were told by the gentleman from Virginia, (Mr. RANDOLPH,) that he would oppose any and every party who would impose on this country any man as its Chief Magistrate, besides him who receives the greatest number of its votes. Is our constitution then a dead letter? Can a man conscientiously discharge a duty devolving on him in the election of a President, violating neither the letter or spirit of that sacred instrument, and yet be subjected to censure? That must be the gentleman's opinion: for no man elected by Congress, can have received a majority of the votes of the people; otherwise, the election would not have devolved on Congress. I was truly surprised to hear such sentiments avowed; and the more especially as coming from such a quarter. When, on the last election of President, that matter was before Congress, I understood, and still understand, that every member from Virginia voted for Mr. Crawford, except two, of which two the gentleman (Mr. RANDOLPH) was not one. It is to be presumed that he did not vote for one man, and wish another to be elected. He was in earnest as to the vote which he gave, and was, no doubt, anxious for Mr. Crawford's election. And yet, according to his present declarations, he would then have imposed on

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this country a man, as its Chief Magistrate, who had not received a majority of the votes of the people; yes, and he would now upon the same principles, had he been elected, been found opposed to his administration, for that reason only, if not for other reasons.

Mr. WASHINGTON said: When the resolution was offered by the gentleman from Kentucky, (Mr. CHILTON,) I had resolved to vote against it—not that I was opposed to retrenchment or the reform of any abuses which might, by possibility, exist in the administration of the General Government, but because I did not believe that any valuable results to this nation could grow out of such inquiry, and because I did not then, nor do I now imagine, that any abuses exist, which require the intervention of this House, or which this inquiry is calculated in any manner to reform. I considered it merely as the redemption of a pledge, which the gentleman from Kentucky informed us he had given to his constituents. But in the latitude which has been allowed in this debate, sentiments have been expressed by gentlemen distinguished for their talents, high in the estimation of the public, and high in the confidence of their party. What are the declarations they have made, sir? That this is not the time for reform; that the clouds which now obscure the political horizon must be chased away, by the rising of another and a brighter sun—an evident allusion to the election of another President—that you have nothing to hope for or expect from the present Administration, in aid of your patriotic exertions to effect reform. Sir, the imputation has gone forth to the world, under the sanction of high authority, that abuses, if not corruption, do exist, and that any attempt at their exposure would prove unavailing, as you could expect no co-operation from the rulers of this nation, who are thus pronounced too corrupt, too much wedded to their own sinister views, to make any sacrifice for the good of the nation. So far, sir, we have heard nothing but allegations, without the semblance of proof: for all the evidence which has been attempted to be produced, has been ably met, and triumphantly refuted, without the aid of any inquisition.

Sir, I believe this Administration to be as pure, as patriotic, as devoted to the interest of the nation, as far removed from the suspicion of corruption, as any which ever has, aye, sir, and as ever will preside over the destinies of this Republic; and that, like gold, the oftener assayed, the brighter it will shine. Sir, the Administration fear no inquiry or scrutiny, however rigid, either in relation to the disbursements of public money, or the discharge of the duties appertaining to their offices; neither do their friends entertain a fear on their account. On the contrary, we invite and challenge the fullest and freest investigation: and, in accordance with this belief, I would, with great deference, suggest to my friends—political friends I mean—for I have the pleas-

ure of claiming many personal friends on this floor, with whom I am not politically associated—that every amendment should be withdrawn which has been offered by them, and that we afford to the gentleman from Kentucky every facility he can desire, by adopting his original resolution, or the modification offered by him, as he may prefer. This is not an inquiry of our seeking, and let us not put it in the power of gentlemen to say that we frittered down, or in any way embarrassed, the inquiry they had proposed. Let the whole responsibility rest where it should. For my own part, I will vote against every proposition, either in the way of amendment or substitute, which does not originate with the gentleman from Kentucky, or his political friends.

One word, sir, in reply to the gentleman from Tennessee, in relation to the institution at West Point, and I am done. Having recently had the pleasure of attending an examination at the Military Academy, I will take the liberty of stating the impression made on my mind by that visit. Without having enjoyed the advantages of foreign travel, and of making a comparison of this with similar institutions of other nations, I will venture to assert, that, in regard to discipline, and indeed the whole economy of its arrangements and conduct, it is not excelled by any institution in the world. Sir, it is a noble monument of the liberal and enlightened policy of this nation. It richly deserves instead of reprobation, the fostering care and protection of the Government. Young men, from every State of this widely extended empire, are brought together at West Point. They there form friendships which remain through life; local jealousies and prejudices, which unhappily exist among us, are conquered; and the associations growing out of this friendly intercourse have a most imposing influence, in a political respect, by drawing more closely the chain which binds together this great Confederacy. It is true, sir, the selection of cadets is not confined to any particular class of society; nor can I perceive any just reason why it should be: for this institution was created for the benefit of the whole community. Yet the gentleman asserts that none but the well-born are allowed to participate in its advantages, to the exclusion of the sons of Revolutionary fathers and widowed mothers; but one fact, sir, is worth a thousand such assertions: For I myself, within the last year, have had the pleasure of procuring for the deserving son of a poor widow in my district, a warrant of admission to that school; and I could instance to the gentleman from Tennessee, many appointments of a similar character—one particularly, in this district, of the son of an old Revolutionary officer and poor widow, to whom the present Secretary of War promptly gave a warrant. But, sir, no censure can attach to this Administration in relation to that establishment, it being almost co-eval with our Government. I therefore will not consume the time

of the House by any farther reference to the remarks of the gentleman.

MR. INGHAM said: The resolution before the House simply proposes a retrenchment of public expenditures, without reference to the period when such a measure became proper or necessary, and no one will deny that some retrenchment might be effected; but it by no means follows that the Administration would be assailed by such a measure. Another part of the inquiry proposes a specific inquiry as to the expenditure of certain sums of money placed at the disposal of the President and Heads of Departments. We all know, that, when the law prescribes the special application of public money, there cannot be much danger of a misapplication; but where large sums are disbursed at discretion, it is, to say the least of it, a fit subject for the scrutiny of this House, and may fairly be done, and has been done over and over again, without any imputation against the Administrations who have made such disbursements; if all has been done right, they can have no just objection to the scrutiny; if any thing has been done wrong, we have a right to know: for, in either case, the information may be useful to direct future legislation. Let us look, for a moment, into the amount of the sums that are placed at the discretionary disposal of the President and Heads of Departments. The proposed inquiry goes back, I believe, three years. The sums appropriated for the contingencies of foreign intercourse, for that time, are as follows: 1825, \$40,000; 1826, \$40,000; 1827, \$30,000—\$110,000: this is the fund out of which the President may by law, cause to be paid what amount he pleases, and if, in his opinion, the public interest requires it to be concealed, he certifies that fact to the accounting officers, and they settle the account without specification, or any other voucher than the certificate I have mentioned. It is proper that we should know what sums have been thus settled at the Treasury. I would not invade any regulation which may have been found expedient, especially in times of war and difficulty, but the resolution does not call for the specification, it only asks for the amount so expended. The remainder of this fund and the appropriations for the contingencies of foreign missions, and the contingent expenses of the several Departments, are required, by the resolutions, to be specified, and to this there can be reasonable objection. The amount appropriated for the "contingencies of missions abroad," for the last three years, is \$70,000, and for the contingent expenses of the Departments \$211,845, making a total sum of \$391,845, including the foreign intercourse fund, which is disbursed very much at discretion. Now, sir, if the amendment of the gentleman from Indiana should be adopted, it will exclude us from any knowledge of these large disbursements. But let us consider what his amendment proposes to do in place of the inquiry contemplated by the resolutions of the

gentleman from Kentucky. The first proposition of the amendment is to inquire whether any abuses have been committed by the President or Heads of Departments, and what can that end in? Shall we send a committee to the President, to ask him what abuses he has committed? He will tell them in the first place that he does not confer with committees, and in the next, that he is not conscious of abusing his trust, and is not bound to answer that question. Will you send a committee to the Heads of Departments, to put the same question to them? Will they give you any such information after you have thus characterized the object of your inquiry? But perhaps it may be said your committee might go to the Clerks. Do we not know, that, at the last session, a certain transaction leaked out, which excited some attention both here and abroad, and afterwards became the subject of a motion in this House—I mean the payment of \$4,500 to John A. King, for a homefit, as it has been aptly called. I never knew nor inquired how it got out; but soon after it was noticed here, we heard it as a fact of common conversation in this city, and for myself, I cannot doubt it, that the Head of one Department summoned his trembling clerks before him, and menaced with immediate dismissal whoever could be proved to have made the disclosure. In such a state of things what could be expected from an inquiry after abuses? It has been well said by the gentleman from South Carolina and others, that it must end in nothing. The next object embraced in the amendment is an inquiry as to the reduction of salaries, and as to what offices can be dispensed with, and if any salaries are found too high, under what Administration they were established? And, according to the form of the issue made up by the gentleman from Indiana, the decision of these points is to try the character of the Administration! What, sir, test this Administration by the ascertainment of a fact, which, no matter what it may be, cannot affect the Administration in the slightest degree? It was certainly an ingenious contrivance of the gentleman to put the trial on such grounds. If the salaries should not be deemed too high, nor any offices to be dispensed with, the Administration would be acquitted and entitled to our support; but if some reduction and diminution should be thought proper, then the next point presented by the gentleman is, when were these offices and salaries established? And if it should be found that they were established before this Administration came into power, which we may all know, by looking into the statute book, then the Administration would be acquitted. I, for one, will not consent to any such a trial, and will here admit that the Administration are not responsible for the amount of the salaries—these were established by law—nor for the number of officers, whose offices are created by law: nor for the time when they were established. If the gentleman, by his ingenuity could get

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such a trial as he has proposed, he would get his Administration out of their difficulties most easily indeed. I am not disposed to be drawn into the discussion of that question, nor to any trial of the Administration before this House. We might indeed be compelled to put public officers upon their trial, in some events, but we have no right to try them ourselves, but most especially, I would not take the great political trial now going on before the people out of their hands. It would be most unwise, as well as irregular, for this House to entertain jurisdiction of any question upon an appeal from the people. I came here to assist in transacting the legislative business of the country. This House is not competent to decide that great political question by any act which can grow out of these resolutions. Why, then, bring this discussion here? Let it remain, I beseech gentlemen, before an intelligent people, where some, perhaps, of the most intelligent bodies of men ever convened for such occasions, are discussing the subject with eminent ability.

TUESDAY, JANUARY 29.

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The House resumed the consideration of Mr. CHILTON'S resolutions, with the amendments proposed thereto.

Mr. PEARCE said: In the zeal of gentlemen to retrench, the Military School at West Point has occupied their attention, and violent hands have been laid upon it. I did hope, that this institution, which is more creditable to this Government than any other in it, and which, I had supposed, was the favorite child of the nation, would have been spared. I, also, Mr. Speaker, have attended one of the annual examinations of that school, and can, with other gentlemen who have spoken, bear witness to its merits, if its merits are not generally known. Until the commencement of this debate, I had supposed they were. We are told, sir, by the gentleman from Tennessee, (Mr. MITCHELL,) that it is the nursery of Aristocracy, created for the education of the rich man's son, and a place where the widow's son or the orphan boy cannot enter; or if he does enter, cannot long remain; established for the education of the sons of members of Congress, and those who are high in office. I would say to the gentleman from Tennessee, that he is mistaken—that he has been misinformed—that, although I shall not question what he has said, in relation to the sons of those coming from his own State, his remarks will not apply to those who have been educated at that school, citizens of the State which I represent. Let the gentleman examine the catalogue of graduates, and he will find that there are men who have had the benefits of this school, and shared in its honors, who were not sons of members of Congress or those in power. Let the gentleman examine the Army Register, and he will also find that the best and most meritorious of our officers

are graduates of this school, who were the sons of widows, or orphan boys, the sons of those who had nothing but poverty to leave to their children for an inheritance, and are indebted to this institution alone for the education which they received. To avoid, if possible, the recital of names, who is the gentleman, who has now the principal superintendence of your fortifications, and who discharges his duties with so much credit to himself and justice to the nation? Who is the aid of your Commander-in-Chief? Who is now the assistant to the Chief Engineer? And I might extend the inquiry to a very great length, of men who are ornaments to their country, and men who, but for this school, would never have received the education and advantages which they derived from it. I once entertained the opinion—an opinion formed without much reflection, that the doors of this institution ought to be opened to the poor only, and the sons of the wealthy should be debarred, and stated my views to the Vice President of the United States, in the first conversation I ever had with that distinguished man, and learnt from him that others had expressed the same opinions; but, said he, to make this a school for the indigent would render it less valuable to them, as they would not be excited by the same spirit of emulation; that genius was to be found in all grades of society, all classes and ranks of men; and it was the object of the Government of the United States to enlist into its service the best talents, whether found among the rich or the poor. Further reflection has satisfied me that the views of the late Secretary of War were correct. Genius is not confined to any grade of life; it is found among children of the asylum, and is not a stranger to the princely palace. At this institution, a soldier's son—yes, sir, the son of a Sergeant in the Army of the United States, receives the first honors, while the sons of two gentlemen, who have been Speakers of this House, are unable to pass through the ordeal of an examination. If, sir, favoritism exists in other institutions, it has no abiding place in this: for here they all rise or fall by their merits or demerits, and there are none who are the sons of the poor, and none who are the sons of the rich: for no such distinctions are kept up by the officers of that institution. The students themselves soon find of how little use they are. Sir, if I had a son old enough to be admitted into that Academy; if I had any influence with those in power—I know I have none—if my friends had any, it should be exerted and called into operation, if necessary, to procure for that son an admittance; this I would do without property. If, on the other hand, I had the wealth of my friend from New York, (Mr. VAN RENSSLAER,) (and I may be permitted to call him so, whose philanthropic spirit makes him the friend of mankind,) the most wealthy man in this House, if not in this nation, I would not, like that gentleman, send my son to a private school, where the same



sciences are taught; but, if influence were necessary, I would resort to it, to procure for him a place at this school. What greater benefit could you confer upon the son of the rich, as well as poor, than by teaching both that, in this country, the road to preferment is open to both, and the highest honors are within the reach of all—that poverty is no embarrassment, and wealth furnishes no facilities? What better practical lessons, what more useful, or which are better tests of the excellence of our form of Government, and the blessings which our free institutions confer, than those which are taught at this institution? What better plan to fire the ambition of the poor, and excite the emulation of the rich, than the system in force at this school, where the Senator's son and the widow's son are placed upon an equality, and both are told that, in this country, that, at that school, the "mind is the measure of the man?" So long as that useful and distinguished officer, now the Superintendent of this institution—an officer whose talents and acquirements are such as to qualify him to discharge the duties of any post or office in this Government, or recognized by our laws, and who has peculiar qualifications for the office, the duties of which he now discharges in a manner as creditable to himself as satisfactory to the nation—shall preside over this institution, so long will the great advantages which the nation has derived from it be dispensed, and so long will the nation continue to realize them. In justice, Mr. Speaker, to the head of the War Department, and that responsibility may rest where it belongs, I hope to be indulged with a few words as to the mode in which appointments are made. There is allotted to each State as many Cadets as there are Representatives and Senators; and, in those States which elect by districts, one to each Congressional district. In making the selection, it is reasonable to suppose that recommendations of members have, with the Secretary of War, great weight. Then, sir, suppose that those abuses, referred to by the gentleman from Tennessee, (Mr. MITCHELL,) have existed—let it not be understood that I make any admissions—who is, or ought to be, responsible for these abuses? And on whom should the censure fall? Not upon the President or his Secretary, but upon the members. In justice to the useful, as well as distinguished officer now at the head of the War Department, I will further state, what I know to be true, when every thing else is equal, it has been his uniform practice to give the preference, in the selection to be made, to the son of him who is poor. Having met some of the objections to this institution, and, in fact, all that I have distinctly heard, and shown that it is not such an institution as it has been represented to be; that neither this Government nor Administration ought to be censured for its fostering care towards it; that the present Administration has pursued the same course towards it that others

have done; that the expenditures are the same—for I did understand the gentleman from North Carolina, (Mr. CARSON,) to withdraw the objection he made on account of the fifteen thousand dollars paid the supernumerary lieutenants, or to admit that, under former Administrations, similar appropriations were made, and the same amount paid—it becomes necessary to inquire what was the object of the Government of the United States in the establishment of this institution? What are the benefits which are derived from it? And whether the objects contemplated, have been, or will be, attained? It has been stated, and truly stated, by those who have preceded me in this debate, that this institution was projected by Washington, and founded by Jefferson. I would add, that it began to flourish under the auspices of John C. Calhoun, to whom it seems to have been as dear as the apple of the eye, who was devoted to it, and, on all occasions, evinced his devotion. The moment we declare by any act or vote of ours, that this institution is a useless one; that it is liable to those imputations which have been cast upon it, that moment, sir, your Vice President, if not shorn of all his beams, is deprived of half his glory. Look into the correspondence between Washington and the Continental Congress, and you will find him continually urging upon that body, pressing upon them, the necessity which existed for the employment of skilful engineers. They were not to be found in the country, for there were no military schools; recourse was had, and necessarily, to foreign countries, as has since been had, for that military skill which was not to be found at home; and military science was then, as it has since been, imported, but not then, nor since, so as to answer all the requisitions of the Government; and, knowing the necessity for such schools, its establishment was among the first recommendations of the first President of these United States.\*

\* Washington is constantly aduoced as the father and founder of the present Military Academy. No adduction could be more fallacious. He never counselled such an institution, nor any thing like it. The Academy of his day was a place of instruction in the two higher branches of the military art—artillery and engineering—and nothing more: the cadet of his day was a young soldier, attached to a company, and serving with it in the field and in the camp, "with the pay, clothing, and ration of a sergeant;" (Act of 1794:) and in the intervals of active service, if he had shown an inclination for the profession after a trial of its duties, and a capacity for its higher branches, then he was sent, "in the discretion of the President," to West Point, to take instruction under engineer and artillery officers in those two higher branches; and nothing else. All the drills both of officer and private—all the trainings in the infantry, the cavalry and the rifle—all the camp duty—were then left to be taught in the field and the camp—a better school for such teaching than any academy, and under officers who were to lead them into action—better teachers than any school-room professors. And all without any additional expense to the United States, the teachers being officers under pay not otherwise employed and the cadets being part of the military force, temporarily

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Let us, Mr. Speaker, for a moment, turn to the contingent fund, or money annually appropriated to meet the contingent expenses of this Government: for this is the fund which is liable, if I understood the gentleman from Pennsylvania, to such gross abuses, and from which, as one would suppose from the tenor of his arguments, a good share of the patronage of the Administration is derived. How stands the case? By the constitution, "no money shall be drawn from the Treasury, but in consequence of appropriations made by law: and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time." No moneys can be drawn without appropriations. And who makes the appropriations? Not the President and his Secretaries, but Congress. A reference to the Treasury estimate for the current year will perhaps best explain the nature of the contingent expenses, and the fund provided for defraying of them. The whole amount asked for, is \$8,990,880 44—and of this sum, the following sums to defray the contingent expenses of the Department of State:

For Books, . . . . .	\$2,000
Binding Books, . . . . .	500
Stationery and Parchment, . . . . .	1,500
Mediterranean Passports, . . . . .	1,500
Blank Personal Passports, Circulars, &c. . . . .	1,000
Fuel and Candles, . . . . .	900
Newspapers for the Office and Agents abroad, . . . . .	500
Translations of foreign Languages, . . . . .	350
Forage for Messengers's Horses, . . . . .	200
Expenses in distributing Congressional Documents, . . . . .	300
Wages of a laborer, . . . . .	300
Miscellaneous, . . . . .	1,000
Extra Copying of Papers, . . . . .	1,000
Printing in Newspapers, and in Pamphlet Form, the Laws of the first Session of 20th Congress, . . . . .	13,500
Distribution of the Acts of Congress throughout the States and Territories, . . . . .	8,000
	<u>\$27,550</u>

Now, of the whole of this sum, amounting to twenty-seven thousand five hundred and fifty dollars, not one cent of it is at the command of the President, nor can one cent of it be paid or expended in a way to escape our examination, and not to be open to our inspection. Let the committee ascertain, if the standing committee on expenditures in the Department of State has not already done to their satisfaction, whether this sum, the usual appropriation, has not been applied to the usual and ordinary purposes, and settlements made in the common and ordi-

detached for instruction, but receiving nothing in addition to a sergeant's pay, ration, and clothing. The present military academy began to take its form in the year 1812, under the act of that year, after Washington had been a dozen years dead; and has been built up by constructions and regulations under that act, essentially changing it from what it was intended to be.

nary form—whether vouchers have not been taken for all the money paid, and whether secrecy veils any part of this expenditure. An examination of the acts of Congress will show, that this is the usual amount appropriated for that Department, and the other Departments and officers have, to defray similar expenses, annual appropriations. I have referred to the State Department, because it was the first mentioned in the Treasury estimate. In addition to these appropriations for the Departments and offices, a sum of money has heretofore been asked for, and appropriated—sometimes fifty thousand dollars, but seldom less than half that sum, to defray the contingent expenses of foreign intercourse; but this extravagant Administration require for the year 1828, no appropriation whatever to defray this expense.

Mr. BELL said: When the original resolutions were introduced by the gentleman from Kentucky, I saw in their ill-digested form (and when I say this, I do not mean to say that I could have given them a better shape) the substance of a proposition for a general retrenchment in the expenditures of the Government. To a well-timed proposition of that nature, I beg leave to say, I would never be opposed. Inquiries into supposed excesses in the regular and ordinary appropriations for the support of Government, or into the abuses supposed to attend their disbursement by its officers, will always be productive of some good in Government, constituted on whatever principles it may, although no immediate legislative enactment of a remedial nature may be the result of them. The very discussions which attend propositions for such inquiries, serve to keep alive a spirit of jealousy and watchfulness in the people in regard to that, which, properly managed, constitutes their strength, and which, under evil auspices, may be converted into the material of their weakness. For, in the estimate of a nation's strength, this paradox intrudes itself—that which forms the chief sinew of its power, may, at the same time, become the source of its greatest debility. National wealth (if I may be permitted a common-place argument) can nowhere be as safely and properly exhibited as in the hands of the people who created it; and there it should remain, except such portion of it as may be absolutely necessary for the protection and free enjoyment of the balance. When, therefore, a nation shall have arrived at that point in its organization, when it deliberates upon the expediency of abolishing certain institutions as useless or improper, and of curtailing certain expenditures as extravagant, we may take it for granted that the annual *modicum* of the people's wealth, which is absolutely necessary to be drawn from their pockets, is already large enough, and that no new institutions will be created, and no additional exactions enforced. But I go farther. I would have supported a well-timed proposition of this nature, for a better reason. I have entertained the opinion, as I do now, that the expenditures in some branches of the public ser-

vice would bear retrenchment without injury to the interests of the country, and to the very great relief of the people. I have thought that the career of this Government, during a late Administration, was marked with a wasteful appropriation of the public revenue, and that the present Administration has entitled itself to still higher distinction in the same prodigal course. I believe, too, that the present Administration contemplated, at one time, still greater eminence in this way, than they have since thought it prudent to attain. I am of opinion, that, for a part of this extravagance, the Executive officers of the Government are alone responsible, and that Congress may well come in for the balance of the responsibility. How this responsibility should be divided between those two departments of the Government, I will not undertake to determine; nor will I at this time, be drawn into a specification of instances of the extravagance in the Executive officers of the Government; neither will I be forced, upon this occasion, into an argument of the specifications that others have thought proper to make in the course of this debate. In speaking of the extravagance of the Government, I beg leave to state, that my opinion, if it may be regarded as of any consequence, has been formed upon facts which I have never heard disputed; and what I may now, or at any other time, say of the conduct of the present Administration, will be found to be based upon ascertained facts, about which I expect to speak freely, without the imputation of joining in a hue and cry merely for party purposes. I despise a senseless clamor as much as any man, but I am not prepared to admit that this is one.

I was opposed to the resolution, seeing that it must wear a party livery, because, with my approbation, (and I trust gentlemen will give me credit for sincerity, when I make the declaration,) no inflammable matter of that kind would be thrown into this House, to retard and obstruct the ordinary business of Congress, or to interrupt the decorum of debate during the present session. I desired, as, indeed, I thought every other member of this House did, from the frequent professions I heard upon all sides, that we should despatch the more important business confided to our care, and return to our homes. I deprecated the consequences of bringing the Presidential canvass into this House, and making this floor an electioneering Campus. We have already had a specimen, in the two last days' debate, of the consequence of introducing such matter into this House. We have already had a match exhibition of reciprocal attack and reply. We have already reached the very verge of order and decorum. Perhaps, sir, we have advanced one step beyond their boundaries.\* To what end will a further indulgence of this course lead in the discussion of this or any other measure of a like inflam-

mable character? As the passions of the opposite parties kindle by collision—as they will—we may expect to hear from one side of the House, a glowing description of the dangers of military despotism, while, from the other, we will present the picture of a great nation sinking by corruption. When, from the other side, shall be held up to public view, the evils to be apprehended from the elevation of a Military Chieftain; on this side, you shall hear of the ills that will ensue from establishing a succession, by adhering to the line of safe precedents. When we shall have carried this war of crimination and recrimination to the highest pitch to which party feeling can ascend, all we shall be able to accomplish will be, perhaps, to degrade the character of the Congress of the United States, consume ourselves in the heat of controversy, and vomit forth, through the channel of the newspapers, upon the people of this Union, the poison of our own gall, to embitter and stir them up to a like useless rage.

If I do not mistake the allusion, or overrate the apprehensions of the gentleman from Kentucky, (Mr. BUCKNER,) I will say to him, that I know he will not forsake his country at the approach either of a domestic or foreign foe. On the contrary, if I am not greatly mistaken in him, he would not shrink from the presence of a tyrant, even in his stronghold; and when "the accepted time" alluded to, shall have arrived, I predict that that gentleman returning to his post here, with the manly purpose of guarding his country's rights, will then become convinced how greatly he had misconceived the true character of the individual so often alluded to. I am persuaded he will find that great man, though, perhaps, not perfect—as no man is—yet so nobly redeeming any slight faults he may have, by his generous devotion to the interest of his country, by his tact in civil government as well as in military command, that even the most unrelenting of his opponents will feel some regret that they ever felt it their duty to encourage apprehensions which turned out to be so destitute of any foundation.

The Tariff has found its way into this discussion. Upon a subject of so much difficulty and importance, I would at no time feel myself competent to manage the argument, either for or against it. I am, therefore, at this time wholly indisposed to enter into any examination of the questions connected with it; but I do trust in God, that no gentleman on this floor—I must be permitted to express a further hope—that no friend of his country, will be found here, or anywhere else, who will seek, for any purpose, to connect a subject of such intrinsic interest, with a contest, involving, in my opinion, separate and distinct principles and objects.

Mr. Speaker, although opposed to the resolution originally for reasons I have attempted to make intelligible to the House, yet I fear we have advanced too far now to recede. Expectations are created, that something will be done, without farther delay, in the work of retrench-

\* Of course, and according to its plan, all these personalities and indecorums have been omitted in this abridgment.

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ment. At all events, an inquiry, a rigid inquiry, must be prosecuted—and I hope for the best results. I am free to declare, for myself, although I would lop off, without compunction or regret, every institution and office, which may be opposed in its tendency to the liberty of the people, or which may create unnecessary burdens upon their honest gains, yet would I forbear to touch either one or the other, which may, upon inquiry, appear to be essential either to the liberty or to the prosperity of the country. And since it has become necessary that this inquiry must be gone into, I rejoice that so large a majority are of opinion that this is the auspicious period, and that so much of the talent of the House has become pledged to assist in it. I look upon the vote taken upon the motion to lay this resolution upon the table, as a pledge, not only of the perseverance with which the work of retrenchment will be prosecuted, but of the success which will attend it. And I trust that we shall all, exercising a spirit of mutual forbearance upon those points, upon which the interests and feelings of parties may be connected, zealously co-operate in effecting something for the good of our common country. For my own part, I can only promise that I will aid in the enterprise, by working as a common laborer in the trenches, if it be necessary.

WEDNESDAY, January 30.

*Retrenchment.*

The House then proceeded to consider the resolution of Mr. CHILTON on the subject of retrenchment, and the question being on the amendment of Mr. BLAKE, (virtually a substitute for the other)—

Mr. DORSEY said: In a Government like ours, predicated on law, confidence must be reposed somewhere. Our constitution reposes it in the Executive Department. From its analogy to monarchy, it is always an object of distrust and jealousy. It is presumed to affect the splendor of royalty, to stretch its prerogative; to extend its patronage, to sustain its power; to lavish the resources of the nation, to reward its partisans. This jealousy, invigorated by our devotion to our republican simplicity, to a restricted executive prerogative, to the purity of our institutions, and hatred for a profuse expenditure of that money drawn from our labor, has been constantly invoked in every struggle for political power that has distracted the American people.

The first administration of the illustrious Washington had not passed, before it was charged on his Administration that its policy was devoted to an assimilation of the practice of our Government to the most corrupting parts of the British Government; that the war debts of the Revolution were funded, and the public debt created, to bring strength to the usurpations plotted by the Federal Government on State rights; that the army, raised to check the savage incursions on the frontier settlements,

was adopted in conformity with the policy of creating a standing army; that, having a funded debt, and army, the piratical depredations of the Algerine corsairs were greedily seized on, as an apology for creating a navy; that the excise on whiskey was introduced to add to the support of the Government a swarm of officers; and that thus a public debt, an army, a navy, the excise, the four prominent features and engines of the patronage, corruption, and expense, of the British Government, were grafted on the American policy. The monarchical tendencies of these national measures, were not the only accusations made against this illustrious man. He was charged with affecting the splendor and folly of royal audiences; and the levees which were held at his house, to gratify the anxious and laudable curiosity of his countrymen, to see the great benefactor of the American people, were traced to a disposition, on his part, to imitate royal levees. He, too, was charged with an encroachment on the treaty-making power, and assuming that it came within his constitutional competency to give instructions to his Ministers abroad; to negotiate treaties with foreign powers, without first submitting his instructions for the approbation of the Senate: he, too, was charged with drawing the public money for his own private purposes; and it was published, that the day on which he should retire "ought to be considered as a national jubilee; for from that day, would the name of Washington cease to legalize corruption." And such, sir, was the acrimony of party spirit in his day, that there are now distinguished political characters, high in the confidence of this people, who have recorded upon the journals of this House, that their confidence in him was diminished.

Notwithstanding the great popularity which Mr. Jefferson acquired by the repeal of the war tax of the preceding Administration, and the prostrate condition of his political rivals, there soon sprung up men who had contributed to elevate him to power, who denounced his Administration. He was charged with an undignified, unpatriotic attachment to France; with a hatred against England, that could only be satiated by her prostration at the feet of the French Eagles; with shaping his whole course of foreign policy with an eye to the gratification of these feelings of attachment and hatred. (We all recollect the celebrated saying imputed to a Minister of his cabinet when it sought to purchase from Spain the Floridas, "France wants money.") With a wasteful prodigality of the public money; for, sir, a gentleman,\* then of distinguished influence, the bitterest political enemy of the first Adams, as he now is of the second, the most zealous of those who toiled for the elevation of Mr. Jefferson, remarked, on the floor of this House: "Against the Administration of Mr. Adams, I, in common with many others, did and do yet entertain a

\* Mr. Randolph.

sentiment of hostility, and have repeatedly cried out against it for extravagance, and for profusion, and for waste, and wanton waste, of the public resources. I find, however, upon consideration, whether from the nature of man, or from the nature of things, or from whatever cause, that that Administration, grossly extravagant as I then, and still believe it to have been, if tried by the criterion of the succeeding one, was a pattern of retrenchment and economy."

These historical facts are brought into view to the end that the public may appreciate the motives which give currency to these clamors against those who administer the Government, and to show that, at all times, and by all parties, the same charges which are now made against the Government, have been made and are instruments used for party triumph:—corruption, prodigality, and a fondness of splendor, are the practised weapons of the Opposition; they may influence sentiment for a time, but a spirit of free inquiry and correct information will banish these delusions, demonstrating the innocence of the accused, and the daring and selfish motives which produce the imputations. Recollect that these Presidents were the founders of the Republic, that they had an active agency in the establishment of your constitution, that they lived and toiled for the Republic at home in the gaze of the American people; and above all, that they came into power by the majority of the votes of the American people; but even thus sustained, and thus elected, they escaped not the fell spirit of detraction. The present Chief Magistrate came not into power sustained by such powerful appeals to the confidence and affections of the American people. His life had been spent principally in the service of his country abroad, in watching its interests and its rights in foreign courts. When at home he presided over a Department, of none or very limited patronage, and which addresses itself only to the patriotism and intelligence of the people. He had three competitors, of distinguished reputation, and alike endeared to the country. A gentleman of splendid talents,\* the bold and undisguised advocate of those constitutional doctrines which enlarge the sphere of Federal action, retired from the struggle in consequence of the unexpected movements of a State, upon whose powerful support his calculations on success were predicated. No election was made in the primary colleges—and this House, exercising its constitutional contingent power, called the present incumbent to the Presidency. In forming his cabinet, he called to the office of the Secretary of the State, that distinguished citizen who now presides over that Department, and it is understood that he offered to another competitor, the office of Secretary of the Treasury.

From this moment, a spirit of opposition, detraction, and misrepresentation appeared. It was charged that the election was effected by

"bargain, management, and intrigue;" and the nation has been convulsed by a more angry state of political hatred than it ever experienced before. History informs us, that, of all the parties or factions which divide a nation, those are the most angry, which are founded on personal considerations. The parties heretofore existing in this country had their origin in a difference of opinion among the people, as to our foreign and domestic policy. In sustaining or resisting that policy, the rival politicians addressed themselves to the reason and understanding of the nation. An unprecedented unanimity existed among us all, as to the great and fundamental policy which the prosperity of this country required to be pursued by its rulers. The present parties of this country are therefore formed upon the preference of one individual to another. In all our attempts, therefore, to proselyte, a review of their character and of their talents is taken. In this review much is said—much will be said—of an irritating and offensive character. These are the causes of our disunion.

The structure of our institutions is attacked, and the Military Academy is sought to be rendered an object of public jealousy, and the seeds of disunion, between the rich and the poor, between the plebeians and the patricians, is scattered, with more than Tribunitian industry. The West Point Academy, founded by Jefferson, is now described by his friends as an institution in its very principles aristocratic. The gentleman from Tennessee says that none but the children of the wealthy are educated there. It is not so; in its principles, it contains no exclusion graduated on rank. That there may be children of the wealthy educated there is true: and shall it not be so? Who contributes to it? Do not the wealthy! And shall they be excluded who do not contribute to it? But the children of the wealthy are not sent there from considerations of economy, but to prepare their children, by a previous course of study, to enter into the armies of their country: and it must be so, or the children of the wealthy will be excluded from the Army Register. This theory is confirmed by one single illustration. An honorable member of this House, who has expended thousands in giving to the poor the blessings of intellectual light, has now at that school a youth, who prefers to serve his country in her army. The gentleman has enumerated many instances, from his own State, in which the Representatives in Congress have had children educated there. If this be an abuse of the power and influence of the members, they are responsible to their constituents. The War Department must act upon recommendations. The constitutional implication that the members of Congress are deserving of confidence, must influence that Department, and the sin of the abuse of the discretionary choice must rest on their head. I can only say, that so far as my experience goes, the selections in the State from

\* Mr. Calhoun.

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whence I come, has, in every instance fallen upon those without parents and without property—except the son of a gallant General, whose blood moistened the field of Eutaw, and whose anxious wish is, that one of his descendants might, if a war should ever again return, display the same patriotism and the same daring as his father. A principle of distributive justice regulates the selection now, and I, with others, can say, that the claims of the friendless and the poor are listened to with a sympathizing heart, and a disposition to foster and protect those whose genius, it is presumed, fit them for military command. The general utility of this institution, till the power of a selection was exercised by a political rival, was admitted by all. If its abuses have weakened the public confidence in it, this Administration has not to answer for it; it commenced in other days, when the late Secretary of War was a candidate for the Presidency. But why deal in this general accusation? Bring forth a direct proposition to pull it down.

THURSDAY, JANUARY 31.

*Retrenchment.*

The House proceeded to consider the resolutions of Mr. CHILTON on the subject of retrenchment, and the amendment of Mr. BLAKE.

Mr. LETCHER said: I have witnessed this debate with more pain and regret than any that has ever occurred in this House since I have had the honor of a seat. One more unprofitable, more intolerant, and less likely to effect any good for the country, has never occurred here or elsewhere. Sir, as the Representatives of a free and enlightened community, disposed to maintain the dignity and utility of debate, upon correct principles, we should pause, seriously pause, before we determine to prosecute this further. Where, when, and how is it to be ended? What profit will be derived from it? What valuable object attained? Is our time justly, correctly, and fairly employed, in reference to the important interests of the country, to be thus exclusively occupied in this digressive, angry debate? if a debate it can, or ought to be called. I had always, sir, until brought to a different conclusion by the present discussion, been led to believe, that a debate was only necessary where a difference of opinion, in some shape or other, existed, and that its main object was to enlighten, to convince, or to persuade. Such, however, sir, does not seem to be the character or design of this. Its object, or rather, perhaps, its tendency, is not to illustrate any particular proposition, or to convince us upon any matter of disputed policy. It is, if not for the nobler, at any rate for the obvious and gratifying purpose, of abusing and censuring some of the most distinguished men of the country. There ought to be no discussion upon the resolutions as offered, because there is no disagreement of opinion among us as to the direction which they ought to take, and must take. Yet, sir, without any disagreement

whatever, as far as I know, or believe, in reference to the subject-matter before us, we present ourselves before the nation in an attitude truly lamentably singular, to speak in no stronger terms. What is it? Why, sir, a subject is offered for the consideration of the House, in the usual mode of resolutions, inquiring into the manner in which the pecuniary concerns of the country are conducted by those to whom we have confided these high trusts; also, of inquiring into the propriety of lessening the number of our officers in service, of curtailing their salaries, and of reducing the pay of the members of this and the other House. To these resolutions every one almost, without exception, seems to yield a ready assent. Indeed, sir, we appear to struggle severely with each other for the honor of most admiring them. We all profess to be willing, yes, anxious, to go into the inquiry, exceedingly anxious, yet, from some cause or other, we can't get into it. To profess to be willing to make an inquiry, is one thing—to make it, is another. Talking, and doing, are very different matters. If we are really and sincerely disposed to do any thing for the benefit of the country, upon this or any other subject, we must speak less, and do more. We should engage in the business of the country with the determination of doing it speedily, and going home. How, sir, does it happen, that we can't get the question, and bring the debate to a close? The answer to this question will not, and cannot be denied. It arises from too much zeal, and too much sensibility, upon the Presidential question. Ah! That's the whole secret. The people understand all our movements; they are cool, deliberate, and intelligent, and will very quickly comprehend the design of an electioneering speech delivered in this House, whether it comes from the one side or the other. For my own part—I speak, however, with great deference to the opinion of others—I do not think it either complimentary to the members of this House, or to the people of this nation, to make the Representative Hall the arena of electioneering strife, and turmoil, and bustle. It should be exclusively appropriated to the legitimate purposes of legislation, and no other. The people will attend to the election of President themselves, if permitted to do so. They are the proper tribunal to make the decision between the two contending parties which now divide the country and this House. In their decision I have unlimited confidence. They will reflect coolly, and decide wisely, and that decision will be made, if not according to the wishes and feelings of all in this House, at any rate according to their own sober judgment, uninfluenced, I hope, by any and every attempt to excite them on the one side or the other. The truth is, sir, and I speak my undisguised opinion when I say so, the importance and consequence which some gentlemen seem to attach to what they may say in this Hall, tending to bear upon the Presidential canvass, is very greatly overrated. It is a mistake, which results,

like most other mistakes, from thinking too highly of their own speaking powers, and too little of the judgment and discrimination of those who send us here. Sir, we may declaim, and rave, and rant, and read newspaper squibs, and reassert stale and long since refuted charges, and even descend to personal invectives against each other, or to personal violence, until we become exhausted, and exhaust the Treasury too, without being able to infuse into the public that degree of zeal which political calculating partisans feel, or in any material manner induce any portion of them to surrender their judgment to politicians struggling for power. I am very sorry, Mr. Speaker, to discover around me, the most formidable preparations for a continuation of the debate. One gentleman is covering his table with books, another is taking notes, whilst about a dozen others are ready to avail themselves of the first opportunity of getting the floor. I did not rise with a view of saying any thing which would be the means of prolonging the discussion, but principally to express my earnest desire that the question may be brought to a conclusion. With the gentleman from Tennessee, (Mr. BELL,) I desire to get the House rid of the question, by referring the resolutions to a committee. It is very easy to dispose of the matter should we choose to do it. But one says, with great force and energy, I did not commence this discussion: another says, I did not. One party says, you began it: the other says, No, it was you. Who did begin it? Sir, nobody began it, yet it is here. Instead of disputing who commenced the discussion—for that fact, it seems, never can be ascertained—let us struggle who shall be the first to get clear of it; and at once proceed to the transaction of business. Why, sir, the scene is really ludicrous. It is more like children's play, if I may be allowed to say so, than the part of grave legislation. The original resolution offered by my colleague, (Mr. CHILTON,) was not of an unusual or extraordinary character. I was very glad when he introduced it. I little anticipated the irritation it has produced, or the length of time it has consumed. The inquiry proposed is a necessary one, and may prove useful to the country.

In a Government constituted as ours is, too much vigilance cannot exist upon the part of those in whom the people have placed confidence, in watching the public expenditures. I am not for making false clamors, or exciting the public without any just apprehensions, merely for my own purposes; but, upon principle, I am now, and always have been, in favor of observing a system of rigid economy and strict accountability in every Department of the Government. Frequent inquiries and examinations ought to take place. Honest, able, and faithful officers, such as I believe compose the Administration, have nothing to fear from the strictest scrutiny into all their official acts. On the contrary it has a good effect. It satisfies the country, and it is particularly proper

at this period in reference to what has been said out of this House for some time past. The inquiry, sir, is demanded by the people: they expect it, and are anxiously waiting to see how it will progress. Give it to us. Let the examination be thorough and complete. If one dollar has been applied improperly by the disbursing officers, ascertain the fact, and make it known. If nothing be wrong; if censures have gone abroad without any just cause: it would be but an act of sheer justice to those who have been implicated, as well as to the country, to say so, after this inquiry is completed. It requires no great intellectual effort to create suspicions, and to give them currency, whether they be directed against public or private character. So far as any thing has been said, in this debate, having for its object a design of casting any imputation upon the Administration, in its management of the moneyed concerns of the country, its friends now, and at all times, challenge the freest and fullest investigation; but, at the same time, protest against the right of their opponents of trying them under the doctrine of Revolutionary France "of laboring under a suspicion of being suspected," and taking upon themselves the exclusive right of accusing and deciding. If any fact whatever exists, upon which to predicate a charge, even by implication, the accusing party have it completely in their power to expose it to the nation in glowing colors—the nation is fully competent to decide upon its merits.

But, sir, I am not about to pursue that course which I have taken the liberty so freely to condemn in others, by discussing the relative merits and demerits, fitness and unfitness, of the two distinguished candidates now before the people for the first office within their gift. No, sir. If my vanity even prompted me to suppose I was qualified for such a task, I would not, at this time, upon this occasion, in this House, allow myself, even under feelings of excitement, to engage in it. The topic, if persisted in, I fear, sir, will, in some degree, impair that dignity which has heretofore characterized the proceedings of this body. I have not taken the floor with a design of answering charges on the one side, or making them on the other. It was, sir, for a very different purpose, as I have already intimated. During this discussion, Mr. Speaker, which has taken a most extensive range, from what was said by my friend from Ohio, (Mr. VANCE,) an impression was made upon the minds of some gentlemen, that his design was to impeach the purity and integrity of the presiding officer of the House, in his appointment of committees. Sir, I was very glad to hear that honorable gentleman frankly and voluntarily disclaim every idea of the sort. It would, sir, in my estimation, not only have been unkind, but unjust, to that officer, to have expressed or entertained a different sentiment. Though not elevated to that honorable station with my consent, I will take this occasion to

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say, without supposing my opinion is a matter of the slightest consequence to any one, as far as my feeble judgment extends, he presides over the deliberations of the House with ability and dignity. As to his appointment of committees, he has a right to select and organize them as he chooses—he and they being responsible to the country for doing harm, or for not doing good.

As to myself, I do not think, after two parties have been struggling for power, and one of them succeeds, it can reasonably be expected, that, in the distribution of the honorable stations in this House, the victorious party shall select their adversaries. This ought not to be required. If they look for the qualifications which fit individuals for those stations, and find such qualifications in men of their own party, it is natural, and right, that they should put those who possess them at the head of the leading committees. I should never object to such a course. If the party which has now the majority here, has placed its friends in stations where they can be useful to the country, while they do honor to themselves, I hope we who are of the minority, will never complain of it. If they have the honor, they have the responsibility too; and, I say, in reply to the gentleman from Kentucky who has just taken his seat, and who has made some complaints against Mr. Adams about patronage, that I would go farther than merely protecting friends. Patronage ought to be distributed in the first place, with a constant view to the public good. That object being kept in sight, the Administration has a right to look first to its friends—I mean its prudent, enlightened, and capable friends, and those who have done the most to place it in power, by giving support to fair and just principles. It ought to look next to friends, who, though not quite so zealous and efficient in its behalf, are equally faithful in their attachment to its principles and their country. In the next place it ought to look to intelligent neutrals; still, as I said before, keeping its eye upon the public good, and upon suitable qualifications; and then, if there is any thing left, let them give it to open, but able and magnanimous adversaries. This I take to be a rule, right in itself, and one which has always more or less governed every Administration, but particularly Mr. Jefferson's. It is true, in aiming at this rule, an Administration may make great mistakes. They may sometimes select for important stations, men who bring no force to their cause, but then, this arises only from defect of judgment or information. They intend to strengthen their own party while they serve the country, and if they fail to do so, it is from the causes I mentioned. Sir, look to all Governments which ever existed. You never find one which gives all its favors to an enemy that would have prevented its success, and would, at any moment, prostrate it. The gentleman says, this Administration has been very imprudent, and has

committed great blunders in the distribution of its patronage. That may be, but I tell that gentleman, that, if his favorite candidate ever gets into power, he will most infallibly protect his friends, and to a greater extent than the present Administration has ever done. Sir, I believe this Administration has been a little culpable in this matter, although they have incurred the censure of the gentleman for a different course. I think they have not stuck to their friends quite as much as they ought to have done. No gentleman will suspect me of saying this with any personal reference. I never was an applicant for any office, and I never expect to be, and for a very good reason, sir. I never can succeed, if I should apply; there are too many ahead of me, of both parties, who excel me in zeal and ability, and anxiety to obtain office.

FRIDAY, February 1.

The resolutions of Mr. CHILTON with the amendment of Mr. BLAKE, (as proposed to be modified by Mr. DORSEY,) being again under consideration—

Mr. EVERETT said, he begged leave to return his sincere thanks to the House for according to him the indulgence of an adjournment. At this stage of the discussion, (said Mr. E.,) nothing but physical inability to proceed should have induced me to ask this indulgence. I will now endeavor to requite it, by the only means in my power; that is, by introducing no matter into the debate, which shall have a tendency to protract it. I took the liberty, yesterday, to observe, that, when a motion was made by the gentleman from Virginia, (Mr. RANDOLPH,) to lay the resolution on the table, I voted in the affirmative upon that question. I did so, thinking I foresaw the character of the debate which was likely to arise, if the resolution remained before the House. To a resolution for inquiry, of this nature, I could have no objection, except that of some little crudity in form, which has been objected to this resolution on every side of the House. With that exception, and could it have passed without debate, I should cheerfully have voted for it.

The House was not pleased to make that disposition of the resolution. The debate has been pursued; and the ground, in my judgment, has entirely shifted beneath our feet. It is not now an inquiry into the practicability of retrenchment, with a view to the more rapid payment of the public debt. I do not say that no allusion to this matter is left in the resolution; it may remain there in form; but the substance is changed. The topic now put forward, is the expenditure of the contingent funds, particularly that for foreign intercourse; and taking the debate as an indication of the character of the resolution, it is one of general crimination of the measures of the Administration.

I again beg leave to observe, that I am friendly to inquiry, in any and every form—I care not with what severity and strictness it be in-



stituted. I know that all human establishments (especially so vast and complicated an establishment as that of a Government) are liable to abuse. I am willing to admit, on these general principles, that there may be abuses in the Government as at present administered, although they are as likely to be abuses of restriction, as of extravagance; especially as the one generally leads to the other. Ill-timed and misplaced reduction often leads, in the end, to more lavish expenditure; and a judicious expenditure, (a memorable instance has been lately stated to this House in relation to the Post Office,) as often proves to be true economy. But, retrenchment is a popular theme, and the pruning knife has sometimes been so fully applied to our establishments, that their vital sap has flowed out of the wounds. Still, however, sir, I would never oppose an inquiry into the abuses that may exist; and whether they be those of redundancy or deficiency, I am equally ready to apply the remedy.

Permit me to make one other general remark. The gentleman from Tennessee (Mr. BELL) in his liberal and eloquent address to the House, made a remark, which he justly offered as sound in itself, however paradoxical in its terms, that there were states of things, in which that which is naturally the health and strength of a people becomes a source of decline and decay. The gentleman applied this wise remark to a profuse expenditure of public money. There is another application of it, which seems to me to be equally just and pertinent. This branch of the Government—the Legislative branch—is, has been, and ever must be, the great centre of power in the Republic. It is the heart of the political system, out of which all life and power, as they have been imbibed from the people, must flow back, through the various channels of administration, to them. There are, however, other branches of the Government, which cannot be dispensed with for the public good, and these must be upheld, in their proper spheres and functions. Now, sir, if the tremendous power of this House be brought to bear unduly and disproportionately on other branches of the system; and especially if it be put into an extra-legislative action, (by which I mean an action wholly disconnected from its functions, either as a branch of the Legislature, or the grand inquest of the nation,) then, also, what is naturally our strength and safety, becomes a source of weakness, decay, and ruin.

I have already observed, that the prominent point of the inquiry, as now before the House, has become the foreign service of the country, and the expenditure of the funds appropriated for defraying its expense. The resolution puts forward that as the leading topic, and, in its very terms, (and this objection, I must confess, applies also to the amendment as modified,) gives a character to the mode in which that part of the service has ever been administered unwarranted by the constitution, the law, and the usage under it. We are to inquire into the

amount of the sums paid out of the contingent fund for foreign intercourse, and settled at the Treasury without specification; and also into the amount paid out of the same fund, and settled at the Treasury in the usual mode, according to law. So it seems that there are two kinds of settlements—one usual, and according to law; the other by specification, and impliedly neither usual nor legal.

This, sir, is an important topic. The foreign service of the country is an exceedingly responsible branch of the public service. Unless we adopt the Chinese policy, we cannot but stand, in relations with foreign nations, highly important to the welfare and prosperity of the country. In peace, we stand in the relation of an extended and profitable commercial intercourse, depending upon its prosperity, to a good degree, on the character we sustain abroad. When peaceful relations give way to war, its duration depends not a little on the character with which we embark in it. The estimate which other nations form of our character, is affected by the manner in which we are represented abroad. The subject of our foreign intercourse is not, therefore, to be too lightly dealt with. It is one for which the constitution and laws of the country have made peculiar provision—a provision, as I conceive, overlooked, or misstated by the terms of the resolution.

By the Constitution of the United States, it is provided, that the President “shall nominate, and, by and with the advice and consent of the Senate, shall appoint, Ambassadors, other public Ministers and Consuls.” Over the exercise of this power, no control is given by the constitution, to Congress; nor have they undertaken to exercise any other, than that of limiting the compensation to be allowed to such officers for their services and the expenses incurred by them in the discharge of their duties. How, then, was this provision of the constitution reduced to practice, in the original organization of the Government? In his speech at the opening of the second session of the first Congress, President Washington brought the subject before the two Houses, in the following terms:

“The interest of the United States requires that our intercourse with other nations should be facilitated by such provisions as will enable me to fulfil my duty in that respect, in the manner in which circumstances may render most conducive to the public good: and to this end, that the compensations to be made to the persons who may be employed, should, according to the nature of their appointments, be defined by law; and a competent fund designated, for defraying the expenses incident to the conduct of our Foreign Affairs.”

With the subject thus presented to them, what did Congress do? Did they pass a law creating such and such missions? No sir. Did they appropriate sums of money for such and such salaries and expenditures? No. The law passed is brief, and, bearing strongly on this

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and other matters of interest, I beg leave to cite it. It bears date first of July, 1790:

*"Be it enacted, &c.* That the President of the United States shall be, and he is, authorized to draw from the Treasury of the United States, a sum not exceeding forty thousand dollars, annually, to be paid out of the moneys arising from the duties on imports and tonnage, for the support of such persons as he shall commission to serve the United States in foreign parts, and for the expenses incident to the business in which they may be employed. *Provided, That,* exclusive of an outfit, which shall, in no case, exceed the amount of one year's full salary to the Minister Plenipotentiary or Chargé des Affaires, to whom the same may be allowed, the President shall not allow to any Minister Plenipotentiary a greater sum than at the rate of nine thousand dollars per annum, as a compensation for all his personal services, and other expenses; nor a greater sum for the same, than four thousand five hundred dollars per annum to a Chargé des Affaires; nor a greater sum for the same, than one thousand three hundred and fifty dollars per annum to the Secretary of any Minister Plenipotentiary. *And provided, also,* That the President shall account, specifically, for all such expenditures of the said money, as, in his judgment, may be made public, and also for the amount of such expenditures as he may think it advisable not to specify, and cause a regular statement and account thereof to be laid before Congress, annually, and also lodged in the proper office of the Treasury Department.

*"Sec. 2. And be it further enacted,* That this act shall continue and be in force for the space of two years, and from thence, until the end of the next session of Congress thereafter, and no longer."

There is one phrase in the law to which I invite the particular attention of the House, ("as he shall commission")—a phrase throwing light on questions not long since much agitated here and elsewhere. There were those who took great alarm at the use of the expression to "commission," when employed by the President of the United States, to indicate one of the Executive functions in the appointment of a foreign Minister. They probably did not advert to the fact, that the President made use of no other language than that of the earliest legislation under the constitution, and meant no more than the law meant by the same expression.

The next law on the subject was passed 9th February, 1798. It continued the act of July, 1790, for another year, and thence to the end of the next session of Congress thereafter, and amended it to the following effect:

*"Sec. 2. And be it further enacted,* That, in all cases where any sum or sums of money have issued, or shall hereafter issue, from the Treasury, for the purpose of intercourse or treaty with foreign nations, in pursuance of any law, the President shall be, and he hereby is, authorized to cause the same to be duly settled, annually, with the accounting officers of the Treasury, in the manner following, that is to say: by causing the same to be accounted for, specifically, in all instances wherein the expenditure thereof may, in his judgment, be made public, and by making a certificate or certificates, or causing the Sec-

retary of State to make a certificate or certificates, of the amount of such expenditures as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended."

This is the first full enactment of the mode of settlement by certificate, or without specification, although the elements of the provision exist in the law of 1790.

By the law of March 20, 1794, the large sum of one million of dollars was appropriated, in addition to the annual forty thousand dollars, to defray any expenses which might be incurred, in relation to the intercourse between the United States and foreign nations; to be applied, under the direction of the President, who, if necessary, was authorized to borrow the money; and an account of the expenditure, as soon as might be, was to be laid before Congress. This large appropriation was designed to meet the expense of a treaty with Algiers.

Several similar acts were passed, at subsequent sessions of Congress, till, on the 10th of May, 1800, a law passed, giving to the legislation on this subject a somewhat modified form. The law is entitled "An act to ascertain the compensation of public Ministers." It contains no appropriation. It re-enacts the former limitation upon the compensation of Ministers Plenipotentiary, Chargé des Affaires, and the Secretaries of Ministers: the second section directs, that, where any sum of money shall be drawn from the Treasury, under any law making appropriation for the contingent expenses of intercourse between the United States and foreign nations, the President shall cause the accounts to be settled by certificate, as prescribed by the act of 9th February, 1793; omitting the substitution of the Secretary of State for the President. This year, for the first time, the appropriations for the expenses of intercourse with foreign nations, were transferred to the act making appropriations for the support of Government, for the year 1800. Besides several large specific items, fifty-two thousand dollars were appropriated, in addition to the annual forty thousand.

In May, 1810, an act was passed, fixing the compensation of public Ministers, and of Consuls to the Barbary States. By this law, the compensation of a Minister, and Chargé des Affaires, was fixed as before; that of a Secretary of Legation, at two thousand dollars, &c.; and it was provided that it should be lawful for the President to allow to a Minister Plenipotentiary, or Chargé des Affaires, on going from the United States, to any foreign country, an outfit, which shall, in no case, exceed one year's full salary of such Minister or Chargé des Affaires; but no Consul shall be allowed an outfit, in any case whatever, any usage or custom to the contrary notwithstanding. The third section of this law was the same, verbatim, with the second of the law of 1800.

Up to this time, the appropriation acts had

contained one item, viz: for the expenses of foreign intercourse. From 1810 to 1814, there were two items of appropriation, one for the expenses of foreign intercourse, and one for the contingent expenses of foreign intercourse. The first of these sums was applied to pay the salaries of the Ministers, *Chargé des Affaires*, and Secretaries; the second was placed entirely at the discretion of the President, to discharge contingent expenses arising from the foreign intercourse, as he should think just and equitable.

In the general appropriation act of 1814, the item which, till then, had been expressed in general terms, for the expenses of foreign intercourse, was made more specific—"for the salaries, allowances, and contingent expenses, of Ministers to foreign nations, and of Secretaries of Legation;" after which was added the other item, for the contingent expenses of intercourse between the United States and foreign nations.

In April, 1818, the general appropriation bill contained one item for the salaries of Ministers at the several foreign courts, specified by name, and their several Secretaries of Legation; an item for two outfits of Ministers, to London and St. Petersburg; an item for the contingent expenses of all the missions; an item to provide for the deficiency in the appropriation of the preceding year; and the usual item for the contingent expenses of foreign intercourse. Similar specifications have been made in all the annual general appropriation bills, since that time.

From this view of the legislation of the subject, it appears that, originally, the whole fund for foreign intercourse, and, since 1814, the sums appropriated for the contingent expenses of foreign intercourse, have been placed entirely at the direction of the President. And, further, that a settlement, by certificate, without specification, is coeval with the Government, and in conformity both with usage and law.

I have been induced to make these statements, not merely for the sake of a better understanding of the point, in the resolution, on which it bears, but also in order to prepare the way for a satisfactory answer to some of the charges made against the President of the United States, relative to the accounts of his compensation and allowances, as a foreign Minister. This is a subject on which I enter with much reluctance; it is not, perhaps, of the class which I should select to discuss on this floor. It does not belong, strictly, to this debate; but it has been introduced, on the present occasion, with strong emphasis; and to the effect, no doubt, of giving sanction to what is said more at large on the same topic elsewhere. This is an important point: for the allegations have extended not merely to a charge of extravagance, but of illegality, and even fraud.

High salaries are, I know, a popular subject

of comment, and, as those of the foreign Ministers are, with a single exception, the highest paid under the Government, it is natural that they should be obnoxious to complaint. But, sir, it is an undoubted truth, that, high as they may be thought, great as their aggregate may seem, for the service of a long series of years, they are yet too small; and, but for the extra allowance by which they are eked out, would be wholly inadequate to their object. It is not long since that a most respectable member of Congress, opposed to the Administration, expressed to me his concurrence in this opinion, and his willingness to join in raising them. I speak of the salaries of the three most expensive missions—to London, Paris, and St. Petersburg. It is a sufficient confirmation of the truth of this remark, that the compensation of foreign Ministers is smaller, by one-fifth, than it was in the Revolutionary war. It was then fixed at two thousand five hundred pounds sterling, with an allowance of expenses. We are told, by a gentleman from Virginia, (Mr. FLOYD,) that he approved the Republican simplicity in which a Franklin and a Livingston lived, at the court of France. Dr. Franklin's simplicity was kept up, for about eight years and a half, at an aggregate expense of one hundred and twenty-two thousand dollars, (money being then twice as valuable as now,) and Chancellor Livingston, as I am informed, during his short residence at Paris, in addition to his allowance from the Government, sunk an estate of one hundred thousand dollars. I repeat it, sir, that, but for the extra allowances, it would be impossible for our Ministers, at the courts I have named, to remain and support themselves; and the weight of necessary expenditure over the utmost allowance, has, to many of them, proved the cause of utter ruin. It is not necessary that I should specify the names of the living or of the dead.

Another remark, Mr. Speaker: The allowances to the President, be they great or small, were the acts of other Administrations—of the Administrations of Messrs. Madison and Monroe. Mr. Adams had nothing to do in establishing the offices, fixing the compensation, or seeking the employment. For a third of a century passed in the public service, he never, neither himself, nor his friends for him, with his knowledge, nor without his knowledge, that I am aware of, solicited any office. The compensations and allowances to the foreign Ministers were fixed by General Washington, under the limitations of acts of Congress, and were paid to Mr. Adams, as they had been paid to his predecessors.

Farther, sir, Mr. Adams had nothing to do with auditing his own accounts, or controlling the settlement of them; although this has been alleged, out of doors, and intimated, as I think, in this debate. The standing instructions to our foreign Ministers, require them, once a quarter, to make up and transmit an account to the Treasury. This was done by Mr. Adams;

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and in all his accounts there was but one item which the accounting officers of the Treasury declined settling themselves. That one item was referred to the President, by Mr. Adams, while Secretary of State; and, on legal advice, ordered by the President to be settled. To this I shall presently recur. With this exception, Mr. Adams had no more to do with the settlement of his accounts than you had, Mr. Speaker. He could have no more to do with it, if the officers of the Treasury were faithful to their trust.

I will add, sir, that, taking into consideration the number of years passed by Mr. Adams in the foreign service; the nature of his appointments; the variety and importance of the missions with which he has been entrusted, in whole or in part, no foreign Minister has received less than he; while many have received more. For the four years and eight months, commencing in 1812, when the first question of his accounts arises, and ending at his return, he received, in all, about \$75,000. For a like term, Mr. Monroe received \$82,000; for one year and eleven months, Mr. Pinckney received \$41,000.

To place this matter in a clearer light, permit me, sir, to enter into some detail. In July, 1809, Mr. Adams received his appointment as Minister to Russia, with the usual salary and outfit, and repaired with his family, to St. Petersburg: a residence, I believe, as expensive as any in the world. No exception, as I understand, is taken to any thing in his accounts, till the commencement of the mission for the negotiation of peace under the mediation of the Emperor of Russia. This mediation was offered in the fall of 1812, through the agency of Mr. Adams; and I believe it is not too much to say, that it was mainly owing to the favorable impression of the American character conceived by the Emperor Alexander, during the mission of Mr. Adams, that the offer was made. This offer was accepted by the American Government, and, in April, 1813, a commission was sent to Mr. Adams, jointly with Messrs. Gallatin and Bayard, to negotiate the treaty with Great Britain, under the proffered mediation. The Secretary of State, under Mr. Madison, on informing him of his appointment, in conjunction with the other gentlemen, said, "as you will all be exposed to considerable expense, an outfit has been allowed to each." It may here be observed, that, in employing, as one of the three negotiators, the resident Minister at St. Petersburg, a saving of \$9,000 accrued to the Government. The outfit alluded to was allowed and paid, at the time, to Mr. Adams.

Messrs. Bayard and Gallatin arrived at St. Petersburg in July, 1813. The Emperor was absent on the eventful campaign against the French; but the conferences of the Commissioners were opened with Count Romanzoff, Chancellor of the Empire. The expenses which the outfit was intended to cover, incident to

the arrival of a new mission, actually accrued to a considerable extent, and were incurred the more freely by Mr. Adams, for the very reason that he had been allowed and paid an outfit for that purpose. England, however, it is well known, refused to accept the mediation of the Emperor, and the mission under it closed, by the departure of Messrs. Bayard and Gallatin, in January, 1814. Mr. Adams was then left as the resident Minister at St. Petersburg.

In refusing to negotiate under the mediation of Russia, Great Britain offered to treat directly with the United States, at Gottenburg or London, and this offer was accepted. Mr. Adams was appointed in joint commission with Messrs. Bayard, Clay, and Russell, to whom was afterwards added Mr. Gallatin, to negotiate for peace at Gottenburg. Mr. A. received this commission at St. Petersburg, in April, 1814, with the instructions to repair to Gottenburg. His commission as Minister to St. Petersburg still remained in force, and he was directed to leave Mr. L. Harris, as charged with the affairs of the Legation during his absence. Of his family, he had with him at that time, at St. Petersburg, his wife, in very ill health, and a son under seven years of age. In travelling from St. Petersburg to Gottenburg, it was necessary to go by water passage, upon the Gulfs of Finland and Bothnia, or by crossing five passages, from ten to fifty miles in extent, over the islands of the latter of those Gulfs—which passages, at that season of the year, by the breaking up of the ice, were rendered impracticable, and were, at their first opening, extremely dangerous.

There was little expectation, in any quarter, that the negotiation would be successful; and there was every reason, on the part of Mr. Adams, to believe, that, after a short absence, he would be obliged to return to St. Petersburg. He therefore left his family and establishment there, which continued at nearly the same expense as before. Taking passage by water at Revel, in the first vessel which sailed, after the breaking up of the ice, and after repeated delay, and detention, and great risk, from the same cause, Mr. Adams arrived at Stockholm on the 25th of May. He there learned that an arrangement had been made by Messrs. Bayard and Gallatin (who were in London) with the British Government, by which the seat of negotiation had been transferred from Gottenburg to Ghent, in Flanders. An American sloop of war was then at Gottenburg, having, as a cartel, conveyed Messrs. Clay and Russell to that place. It was ordered to the Texel, there to await the further direction of the American Ministers. Mr. Adams accordingly proceeded to Gottenburg, embarked with Mr. Russell on board the vessel, landed from her at the Texel, and thence proceeded by land to Ghent, where he arrived on the 24th of June. Six months from that day, on the 24th December, 1814, the Treaty of Peace was signed.

For this mission to Gottenburg and Ghent, Mr. A. never (as has been alleged) received either salary or outfit. And yet it was a mission different in its locality and the expense incident to it, from that under the mediation. The outfit for the latter was not intended to cover, and could not cover, the extra expenses for the former. Accordingly, Messrs. Gallatin and Bayard, each of whom had received an outfit and the expense of their conveyance to St. Petersburg, on the mission of mediation, were yet allowed all their travelling expenses from St. Petersburg to Ghent. On the same principle, and on the established precedents in the cases of Mr. Thomas Pinckney, in 1795, and Mr. Monroe, in 1805, who were allowed all the extra expenses of their mission to Spain, while they retained their commissions and salaries as resident Plenipotentiaries in London, Mr. A. retaining his commission at St. Petersburg, was allowed, in addition to his salary as Minister there, the necessary expenses incident to the mission extraordinary to Gottenburg and Ghent. The reasonableness of the allowance to them was never doubted. In Mr. Monroe's case, it received the direct sanction of Congress, not two years ago. It could not be more questionable in the case of Mr. Adams. Those gentlemen had to provide for their families in their absence; Mr. Adams was compelled to leave his at St. Petersburg, with a necessary continuance of almost all the expenses of his establishment. The extra expenses incurred were, therefore, fairly chargeable upon the extra service. The period during which this service continued, including the negotiation of a commercial convention with Great Britain, was fifteen months, from April, 26, when Mr. A. left St. Petersburg, to 3d July. But the charges made by him, and allowed to him, were confined to the period from his departure from St. Petersburg to the time when his family joined him at Paris, about eleven months.

Mr. Adams had been informed by the Secretary of State, at the time he was appointed on the commission, under the mediation of the Emperor of Russia, that, in the event of the conclusion of peace, it was the intention of President Madison to nominate him as Minister to London. He accordingly repaired to Paris, and directed his family to join him there, with a view to receiving the order of the President either for his transfer, or his recall to America. They arrived at Paris, March 20, 1815. On the 7th of May, he received a letter from the Secretary of State, informing him of his appointment as Minister to London. This was in the midst of the period in France which has been called the Hundred Days; between the arrival of Napoleon from Elba and the battle of Waterloo. The ordinary communications between France and England were interrupted; and the passage of Mr. A. and his family to the latter country was attended with difficulty and delay. He arrived in London on the 15th of May, 1815,

and the next day received his commission and credential letters to England, and letter of recall from Russia.

According to the rule adopted, as early as the Administration of General Washington, Mr. A. would have been authorized to consider his mission as Minister Plenipotentiary to the Russian Government as terminating on the day on which he received his letter of recall. He might, also, on the same rule, have charged his extra expenses to the account of the joint commission for negotiating the commercial convention with Great Britain. He, however, considered his mission to St. Petersburg as terminating when the expenses incident to it terminated, viz: the arrival of his family at Paris, and regarded the special mission for negotiating a commercial convention as merged in that of Minister Plenipotentiary to England, for which he received a full outfit. Accordingly, from the 20th of March, 1815, he made no charge, and received no allowances, for the expenses of a special mission. His colleagues received, for their part, in the service of negotiating the commercial convention of July 1, 1815, each a half outfit. Mr. A. has received no corresponding allowance.

In this way, the time for which Mr. Adams was allowed the necessary expenses of the special mission to Gottenburg and Ghent, is reduced to between ten and eleven months—about the same space of time which was occupied by the special mission to Spain of Mr. T. Pinckney, in 1795, and Mr. Monroe, in 1804-5. The allowance to those gentlemen for their expenses was, to Mr. Pinckney about nine thousand dollars, and to Mr. Monroe upwards of eleven thousand dollars. The whole amount of expenses allowed to Mr. Adams, was \$4,353—less than was ever claimed or allowed in any parallel case, since the foundation of the Government.

Sir, there were other topics on which I meant to have touched, but I have exhausted the little strength which I brought into the House. In the part I have taken in the discussion, I have acted on the defensive. I own that I have been a little surprised, that it has even been made a question, whether the Administration was assailed or not. Why, sir, there has not been a day, nor an hour, since it was formed, that it has not been assailed. I do not now complain of this—I do but state the fact; and the gentleman from Pennsylvania tells us now, what we were told two years ago, by the gentleman from South Carolina, that the very existence of the Administration was a political felony; that they have burst unlawfully into the offices of State, and that he would no more make terms with them, that is, no more "judge them by their acts," than with the robber, who, having broken into his premises, should promise to behave himself well. One gentleman from Tennessee (Mr. MERRILL) says they are already too much worn out to be attacked; and the gentleman from Tennessee,

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(Mr. BELL.) that they are run down; and yet we are accused of kindling at fancied charges, and bristling up in the defence, when nobody has attacked us.

Sir, such an assault, in my limited acquaintance with the history of the country, I have nowhere found. A Chief Magistrate, of more than ordinary simplicity of life, and purity of character, is denounced at one moment as the imitator of oriental pomp; and at the next, as the profligate corruptor of the youth of the nation. As able, faithful, and patriotic a Cabinet as any ever formed since the first Administration of Washington, and abler than almost every other which has followed, is denounced as weak, inefficient, and corrupt. An Administration, which, in three years, has applied thirty-three millions to the payment of the public debt, and expended ten or twelve more in objects of public utility, is proclaimed to be profuse and extravagant. An Administration which came into power avowedly on the principle of seeking out the best talents of the nation, for offices of trust and honor, and which, if it has erred, has erred in neglecting its friends, is charged with proscribing and persecuting its opponents. And, after all this has been repeated, year after year, till, in its effect, gentlemen flatter themselves, and tell us that we are wasted, worn out, and run down; and after each and every one of these topics, and numerous others, have been touched, in this very debate, we are then told to keep very cool—nobody has attacked us.

But I am willing, for one, sir, to take these declarations of gentlemen as the indication of the course which they approve, and are willing to pursue. It is time, for the honor of the country, that the war of extermination should cease. In laying waste the characters of those who, under the constitution of the country, are clothed with the administration of its affairs, we are wasting that which is a part of the most valuable treasure of the nation. Above all, it appears to me, that it is time the vehemence with which, within these walls, the war has been waged against the Administration, should cease. In addition to its necessary and unavoidable evils, the waste of time—the sacrifice of dignity—the kindling of the worst passions; it is accompanied with the still greater evil, that it lends a kind of sanction to that ferocity of the press, which has already reached the point at which many of the most valuable citizens of the community shrink back into retirement, before the storm of obloquy that awaits every one who appears before the public. Before I sit down, sir, I must ask leave to say, that if every member had spoken in the tone of the gentleman from Tennessee, (Mr. BELL,) I should probably not have troubled the House. To almost every remark that fell from him, I yielded a hearty assent. I feel, not less strongly than he, though I may be unable to express it with that manly force which enchain- ed the attention of the House, that this

warfare is *mali exempli*, without our even being able to plead, in excuse, that the bad example sprang from a good one. The gentleman, with a liberality which I could not but admire, however little I might be willing to sanction the consciousness of political strength with which he spoke, told us that the joy of the huntsman is in the chase, and that when the game is run down, he calls off the pack, and will not let them mangle the carcass. The gentleman cannot expect me to agree with him that the game is run down, but he will agree with me, that, of the pack which sprang at the throats of this Administration, there were some, whose fangs were already fleshed in other game. And is the law of the chase altered? Will not what has been, again be? Believe me, sir, it will; the fate of Actæon is no fable here: and scarcely will the gentleman's gallant huntsman—(unless some rare felicity of fortune shall elevate him above the lot of his predecessors,) scarcely will he have wound his horn in triumph, when he will find, to his amazement, that he is the game, and some of those who have shared in the triumph of the chase will turn and spring upon him.

*Ille fugit per quæ fuerat loca sæpe secutus.*

Sir, the gentleman will pardon my allusion, as I, most cheerfully, accepted his. I make it not insidiously, nor with the slightest shade of personality; but in some measure in consideration of the well-known composition of the two great parties, and still more on the immutable principles of our nature, by which it follows, of stern necessity, that

—in these cases,

We still have judgment here, that we but teach  
Bloody instructions, which, being taught, return  
To plague the inventor: This even-handed justice  
Commends the ingredients of our poisoned chalice  
To our own lips.

Mr. RANDOLPH then rose, and said: I cannot make the promise which the gentleman who has just taken his seat, made at the outset of his address—but I will make a promise of a different nature, and one which, I trust, it will be in my power to perform—I shall not say with more good faith than the gentleman from Massachusetts—but more to the letter—aye, sir, and more to the spirit too. I shall not, as the gentleman said he would do, act in mere self-defence. I shall carry the war into Africa. I shall not be content with merely parrying—no, sir—if I can, so help me God, I will thrust also—because my right arm is nerved by the cause of the people and of my country. I listened to the gentleman with pleasure—I mean to the general course of his remarks. But for some of the remarks of the gentleman from Massachusetts, in allusion to newspaper publications, I should have begun in at least as low a key and as temperate a mood as he did. To that key I will now pitch my voice. I have been absent from the House for several days. I requested my colleague (Mr. ALEXANDER) to

state the cause of that absence, which he did. Yet even this could not be reported correctly. As this may be the last act of public duty which I shall be able to perform—at least, during the present session—and as I have given up myself a sacrifice to its performance, I respectfully ask the House to give their attention to what I have now to say. I understand that, during my absence, I have been replied to by various gentlemen, (some of whom I have not the honor to know by person,) on different sides of the House, in a manner which I do not doubt was perfectly satisfactory—at least, to the speakers themselves. I certainly do not wish to disturb their self-complacency, *de minimis non curat*, whether of persons or of things. The gentleman from Ohio, (Mr. VANCE,) with that blunt plainness and candor which, I am told, belongs to him, and which I admire in proportion as they are rare qualities in these days—I like him the better for his surly honesty—I hope he will take no offence at the term, for I can assure him that none is intended—charged me, in my absence, (so my friends have informed me,) with what I believe he would not hesitate to have charged to my face, and to which I have no objection, except to the authority on which he relied; but I protest against any gentleman's producing, as proof of what I have, at any time, said, a newspaper, or any thing purporting to be a Register of Debates, unless I endorse it, and more particularly remarks drawn from the debates of another body, which, in regard to me, are particularly unfaithful. I shall show to the House, not such matter as the gentleman from Massachusetts stirred, to the injury of every moral sense, of every moral being. I shall refer to a matter of recent notoriety: that will test the correctness of these reports. In the debate on the motion of the gentleman from South Carolina, (Mr. HAMILTON,) respecting a picture of the battle of New Orleans, I did state, as distinctly as I could articulate, that I had seen a monument erected to the memory of Andre, the British Spy, in Westminster Abbey; that it was mutilated—the head of General Washington, and arm (I think) of Andre, having been broken off. The General's, most probably, by some Tory boy from the neighboring school of Westminster, and that of Andre, probably, by some Whig boy, in retaliation. The name of Hamilton did not escape my lips. I thought, indeed, of Hamilton, but it was of a living Hamilton—the gentleman from South Carolina—but, then, parliamentary usage does not permit us to speak of one another by name. Now, sir, I can show you, on the same authority which was relied on by the gentleman from Ohio—though I acknowledge that the reports of that paper, so far, at least, as I am concerned, have generally been more accurate this year, than I have for a long time known them to be before—that I am represented as saying, that the monuments in Westminster Abbey were mutilated in the same manner as the

tombs of Hamilton and Washington had been mutilated here. The word tomb never escaped my lips on that occasion. Sir, this would have been a palpable falsehood. Where is the tomb of Washington? There is no such thing in this country, nor have I ever heard that a tomb has been erected to the memory of Hamilton; but I suppose that the next thing we shall hear will be, that the Quarterly, or some other Review, comes out, and observes with a sneer, that, as Roger Sherman said the vote was the monument, so a gentleman from Virginia had, by a speech in Congress, built up a tomb for Washington—a “constructive” tomb, that existed nowhere but in his eccentric imagination. Sir, the tombs of Washington and of Hamilton might stand anywhere in this country unenclosed—they might indeed be liable to injury from the beasts of the field, or from some invidious foreigner, but the hand of no American would ever mutilate them. Sir, in the course of another debate, it seems that I rendered to a gentleman from New York (Mr. STORRS) the homage which his abilities deserved—and God forbid that the time should ever arrive when I refuse to do justice to an adversary—when I shall disparage any merit, because it is found in the person of an opponent. When that time shall arrive, may I never receive merry from that fountain of it to which alone we all must look, if we hope for forgiveness hereafter. I said that I would not, like him, pronounce a palinodia, neither am I now going to pronounce a palinodia in respect to the gentleman from New York. I shall not take back one jot of praise bestowed upon him. With whatever views he introduced it, the doctrine has always been mine—the strict subordination of the military to the civil authority—scripture is scripture, by whom, or for whatever purpose it may be quoted. I know nothing of the private habits of that gentleman, (Mr. STORRS,) but I know that he has too much good taste not to agree with me, that time may be much better spent than in reading the Documents piled up here. Yet, in the report of that debate, I was represented as saying, that, like the gentleman from New York, I did not—what? pronounce a palinodia? No, sir, not at all—but, that, like him, I did not read the Documents. Sir, nobody reads the Documents, for this plain reason, that no man can read them—and if he could, he could hardly be worse employed. Sir, with a few exceptions, the Documents are printed that they may be printed, not that they may be read.

And now, sir, comes another charge, about the miserable oppressed inhabitants of Ireland. This subject has been mentioned to me, by no gentleman on the other side, except a member from Maryland—from the eastern shore of Maryland, (Mr. KERR,) who is, not only by the courtesy of this House, but is in fact, a gentleman. He, in Committee on the Rules and Orders of the House, expressed to me his astonishment that what I said on that occasion

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could have been so much misunderstood and misrepresented—that he heard me most distinctly. I now call on any member who understood me differently, at the time, to rise in his place and say so. [Here Mr. R. paused for reply. None being given, and some friends having said across the seats, that no member could or would say, that he had understood Mr. R. as he had been misrepresented, Mr. R. went on.] Without meaning to plead to—that is, without meaning to admit, the jurisdiction of the press, in the extent which it arrogates to itself, I am perfectly sensible that no man is above public opinion. God forbid that any man in this country shall ever be able to brave it—and I regret that any one should have supposed me capable of uttering such sentiments. So far from it, I have been the steady, firm, constant, and strenuous advocate, to the best of my poor ability, of the oppressed people of Ireland. And why? For the reason I stated on a former occasion. They fought our battles, sir. I have known and esteemed many of them. Some of them have been—they are dead; and others are living, among my warmest friends and best neighbors. In the course of a not uneventful life, I have seen many things, but I have yet to see that *rara avis in terris*—I have seen a black swan—an Irish Tory. I have known Tories of every description. Yes, sir, and some even in Virginia—even we had a few of them during the revolution, but too few to give us any trouble or alarm—but I never have yet seen an Irish Tory, or the man who had seen one. Sir, I don't read the newspapers—I don't read gentlemen's speeches, and then come here to answer them. But I am extremely pleased, nay, flattered, in the highest degree, at being told by my friends, that the gentleman from Ohio attributed, in his speech, so much to my efforts in bringing the Administration to its present lank and lean condition. The gentleman could not have pleased me better—I only fear that, with all his bluntness and frankness, the gentleman was not quite sincere, and was only adorning me with fillets and garlands, like the priests of the sacrifice of yore, previous to knocking me, and with me, the party whom he strives to wound, through my sides, on the head. He was pleased to place me at the head, of what has been denominated the Opposition party in this House; but at its head, or that of any other party in this House, he will never find me, for reasons which I could state, but which are wholly unnecessary. Times are indeed changed with the gentleman and his friends, when they hold this language concerning me. But a little while ago, and the friends of the Administration, nay, the members of the Administration, affected to consider me as one of their firmest props. They could not, indeed, vote for me—they were men too nice in their principle for that: but, considering the great benefit which they derived from my opposition, they could not (except for the honor of the country) regret my re-election. Amia-

ble and excellent men! But they now sing to a very different gamut. If any gentleman will bring against me any allegation, from a clean and respectable source, I will do one of two things—I will either deny it, or admit it, and defend it upon my views and principles. Sir, it seems I committed a great offence in not voting for the admission of the new States into the Union, and especially of Ohio. Yet, sir, if the thing were to do over again, I should act precisely in the same manner, and past experience would teach me I was right. What were the new States? Vast deserts of woods, inhabited by the aborigines, to whom, if we come to the question of right, they did of right belong; and it was a question whether sound policy would dictate that we ought, by creating these States, to encourage sparse settlements, and thereby to weaken our frontier. I thought this was bad policy. Not that I am in favor of a very dense population. I am against the rabble of your great cities, but I am equally opposed to having a land without inhabitants. But, sir, I had other reasons—*graviora manent*—Does the gentleman from Ohio, with all his laudable prejudice and partiality towards his own State, think that I, as a Virginian, feeling at least equal prejudice and partiality to my native land with that which he feels for his State, would lend my sanction to an act on the part of Virginia, which beggars every instance of fatuity and folly extant in the history of nations? Why, sir, the knight of La Mancha himself, or poor old Lear in the play, never was guilty of a grosser act of fatuity than was the State of Virginia, when she committed that suicidal deed—the surrendering of her immense territory beyond the River Ohio, upon the express condition of excluding her own citizens from its benefit, when the country (yielded for the common good of the Confederacy) should come to be settled. Yes, sir, it was an act of suicide—of political suicide—the effects of which she has felt, and will continue to feel, so long as she has any political existence at all. Sir, this was one of those amiable and philanthropic acts of legislation, which, however good in point of intention, lead to the most disastrous and ruinous consequences. Can the gentleman from Ohio conceive that I, a Virginian, could further this cut-throat policy? Sir, I thought the Ohio a well-defined natural boundary, and that we ought not to weaken by extending our frontier. The late war verified my foresight. Whom have I injured? The native savages and the trees, or the States that have been drained of their population to fill out Ohio? Sir, I offered no wrong to the people of Ohio: for there were then none to injure. They have gone there, or have been born since. Sir, this was the “head and front of my offending,” and, if the gentleman has his apparatus ready, I am prepared to undergo any form of execution which his humanity will allow him to inflict, or which even his justice may award.



The gentleman from Massachusetts cannot expect that I shall follow him through his elaborate detail of the diplomatic expenses of this Government. The House, however, will permit me to observe, that there was a hiatus—*valde defendendus*, I do not doubt, but certainly not deeply lamented by me—a hiatus which embraces the whole period of the Administration of Mr. Jefferson. I am not going into the question of these expenses; I will stir no such matter. Demands which have dogged the doors of the Treasury so long and so perseveringly as that they have been at length allowed, some from motives of policy, others to get rid of importunate and sturdy beggars—although they were disallowed under Mr. Jefferson's Administration. But, sir, if every claim that gets through this House, or is allowed by this Government, after years of importunity, (some of them of thirty years' standing,) is for that reason considered by the gentleman as a just claim, and fit to be drawn into precedent, my notions of justice, and of sound precedent, differ greatly from his. I, too, sir, am as much opposed as he can be to what is truly called the prodigality of parsimony. The gentleman thinks the salaries of our foreign Ministers are too low, and therefore, that they must be eked out by these allowances from the contingent fund—out of what is called the secret service money. The gentleman is right as to the existence of such a fund. It was appointed, and perhaps properly, for Washington was to be the first who was charged with its disbursement. But, sir, our early Presidents always made it a point of honor to return this fund untouched. They said to the nation, You trusted me with your purse, I have had no occasion to use it, here it is; count the money; there is as much by tale and as much by weight, as I received from you—but was it ever dreamt, that such a fund was to be put into the hands of the President of the United States, to furnish him with the means of rewarding his favorites? No, sir; it was to pay those waiters and chambermaids, and evedroppers, and parasites, and panders, that the gentleman told us of on the other side of the water—and there it might be all very right and proper—but not here, sir, because we flatter ourselves, that the state of morals in this country is such as to save us from any such necessity. No gentleman would understand him as speaking of the sums which had been placed at the disposal of different Presidents, to a vast amount, for the purpose of negotiating with the Barbary Powers, &c.; but of that amount set apart, and generally known, as secret service money. Mr. Jefferson used a small portion of this fund one year, to pay some expense in relation to Burr's conspiracy, which was not allowed at the Treasury. Sir, with regard to the old billiard table, which is said to have cost some fifty dollars, it is a subject I should never have mentioned. I consider that game as a healthy, manly, rational mode of exercise,

when the weather is such as to confine us within doors. I shall certainly never join in any cant or clamor against it. I look upon it as a suitable piece of furniture in the house of any gentleman who can afford it, where it is allowed by law, as it is here and throughout the State of Maryland; and I should be sorry if we were to proscribe that manly and innocent amusement. If I have any objection to that item, it is that such a pitiful article should have been bought. I would have given him one that cost five hundred dollars, and I would have voted the appropriation with cheerfulness. My objection to such a charge, is, that it is a shabby affair, and looks too much like a sneaking attempt to propitiate, by the cheapness of the thing, popular displeasure. The attempt to keep the thing out of sight, only makes the matter still worse. I do not charge the gentleman from North Carolina with any such intention, but this seems to me to be too small a matter. I would strike at higher game. The gentleman from Massachusetts says that Franklin received a higher compensation than Mr. Adams and other Ministers of these times. He did, sir; and what was the answer which that shrewd and sensible man gave (for Poor Richard had always an eye to the main chance) when his accounts were scrutinized into, and his receipts were deemed exorbitant? It was this, sir: Thou shalt not muzzle the ox that treadeth out the corn. The very answer, sir, that I myself gave in Morrison's Hotel, in Dublin, to a squireen and an agent. For a description of these varieties of the plagues of Ireland, see Miss Edgeworth—delightful, ingenious, charming, sensible, witty, inimitable, though not unimitated, Miss Edgeworth. When describing the misery of the south and west of Ireland, that I had lately travelled over, I was asked, And what would you do, pray, sir, for the relief of Ireland? with an air that none but Miss Edgeworth can describe, and that no one that has not been in Ireland can conceive. My reply was, I would unmuzzle the ox that treadeth out the corn; and I had like to have got myself into a sad scrape by it, as any one who has been in Ireland will readily understand. Yes, sir, I was disposed to give to the houseless, naked, shivering, half-starved Irish laborer, something like a fair portion of the product of his toil, of the produce of the land on which he breathes, but does not live, to put victuals into his stomach, clothes upon his back, and something like a house over his head, instead of the wretched pig-sty, that is now his only habitation—shelter it is none; and this was just the last remedy that an Irish agent or middle man, or tythe-proctor, or absentee, would prescribe or submit to.

But, sir, to return. "These salaries are too small." I cannot agree with the gentleman. There is one touchstone of such a question—it is the avidity with which those situations are sought—I will not say by members of this House—we are hardly deemed of sufficient

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rank to fill them. Sir, so long as these foreign missions are sought with avidity—so long as members of Congress, and not of this House only, or chiefly, will bow, and cringe, and duck, and fawn, and get out of the way at a pinching vote, or lend a helping hand at a pinching vote, to obtain these places, I never will consent to enlarge the salary attached to them. Small as the gentleman tells us these salaries are, I will take it on me to say, that they are three times as great as the net proceeds of his estate, made by any planter on the Roanoke. But, then, we are told that they live at St. Petersburg and London, and that living there is very expensive. Well, sir, who sent them there? Who pressed them to go there? Were they impressed, sir? Were they taken by a press gang, on Tower Hill, knocked down, handcuffed, chucked on board of a tender, and told that they must take the pay and rations which his Majesty was pleased to allow? No such thing, sir. I will now quit this subject, and say only this, that our Minister (Mr. Adams) was paid for a constructive journey—that, I think, is the phrase—which means neither more nor less than a journey which was never performed.

[Here Mr. EVERETT made a gesture of dissent.]

The gentleman shakes his head. Sir, we shall see more of this hereafter, but I will reason only hypothetically. If the gentleman in question, while he remained at St. Petersburg, could make the journey imputed to him, it beats the famous journey from Mexico to Tacubaya, as far as some distance, however small, exceeds no distance whatever. Sir, if a gentleman from Washington goes to Georgetown, or to Alexandria, yes, sir, or to Bladensburg, I will acknowledge that he performs, at least in some sense, a sort of journey. But not if he remains in this city, and never stirs out of it. However, I will not now press this matter further—others will do more justice to it—*de minimis non curat*.

Paulo majora canamus.

There was one remark, which I took down while the gentleman was speaking, and which I cannot pass by. Who that gentleman was, described by the gentleman from Massachusetts, who proposed to him that, if he would move to raise these salaries, that gentleman would join with him and support him, I cannot conjecture or divine. Be he who he may, I will venture to say this much. He is some gentleman who expects to be sent upon some mission himself, and, with great forecast and prudence, he was calculating to throw upon the present Administration, beforehand, all the odium of the increase of the salary which he hoped to finger. I am disposed to be more just to the gentleman and to the Administration, because I believe that he will get full as much as he may deserve, and they have full as much weight as they can carry, without adding to it another feather.

The gentleman, with much gravity, with some dexterity, and with great plausibility, but against certain principles which I have held in this House, *ab ovo*, and which I shall continue to hold, *usque ad mala*, till I leave the feast, spoke of the headlong commencement of the Opposition, before the Administration could give reasonable cause of discontent. Sir, I have now no *palinodia* to sing or to chant upon that subject. I drew my conclusions from that fountain which never failed an observing and a sagacious man, and which, even the simple and inexperienced (and I among the rest) may drink at—it is nature and human life. I saw distinctly, from the beginning, that, if we permitted this Administration—if we listened to those who cried to us, "Wait, wait, there is a lion in the path," (and, sir, there always is a lion in the path, to the sluggish, and to the dastard,) and which cry was seconded, no doubt, by many who wished to know how the land lay before they ran for a port—on which side victory would incline, before they sounded their horn of triumph—if we had thus waited, sir, the situation of the country would have been very different from what it is now. Sir, there was a great race to be run—if you will permit me to draw an illustration from a sport to which I have been much addicted—one in which all the gentlemen in Virginia, when we had gentlemen in Virginia, delighted, and of which I am yet very fond—I mean from the turf—and it must be lost, or won, as the greatest race in the country was won—I mean the race on Long Island, which I saw, and that was by running every inch of the ground—by going off at score—by following the policy of Purdy. Purdy, sir, was a man of sound sense, and practical knowledge—a man of common sense, I mean, and worth a thousand of your old and practised statesmen, and "premature" gentlemen, who never arrive at maturity—and who, meaning to side with the next Administration in case of our success, were nevertheless resolved to get all they could, in the mean time, out of this. Sir, to one of these trimming gentry, it is worse than death to force him to take sides before a clear indication of victory, and hence the cry of its being "premature" to stir the question of the next Presidential election. Sir, if we had set off one session later, we should not have had ground enough left to run upon, to overtake, and pass, and beat them, before they would have passed the winning post, and pocketed the stakes. Such would have been the effect, if we had delayed our push, and I know no one that would have enjoyed the result, and chuckled at our folly with more hearty glee, than one of these same old and practised statesmen. [Here something was said which our reporter did not hear, and to which Mr. EVERETT was understood to reply, that he had not stated it as his sentiment, but as a fact.] I beg the gentleman's pardon; I never was misrepresented by him, I never will misrepresent

him, unless I misunderstand him. But I wonder it never occurred to the gentleman from Massachusetts what could be the cause why such a hue and cry should be raised against an Administration so very able, (permit me in this, however, to differ from the gentlemen, *de gustibus non est*,) what, I say, could have been the cause why Actæon and all his hounds, or, rather, why the dogs of war were let slip against this wise, and able, and virtuous, and loving Administration; these patterns of political friendship and consistency; and have continued to pursue them, till they lie panting and gasping for breath on the highway—until they realize the beautiful fable of the hare and many friends. The cause of all this is to be found in the manner in which they came into power—the cause of this “prematuration” opposition lies there, and there mainly. I would defy all the public presses in the world to have brought them to this pass, had there not been a taint of original sin in their body politic, and which cleaves to them even as the sin of our first parents taints our fallen nature, and cleaveth to us all. The gentleman refers to those who compose the party called the Opposition, and says, it is formed of very discordant materials. True, sir; but what are the materials of the party which upholds the Administration? Nay, of the Administration itself? Are they perfectly homogeneous? I know one of them—who has been raised to a higher station than most men in this country—was that because he opposed, or because he espoused the election of the present Chief Magistrate? Let me ask the gentleman from Massachusetts, what could cause the old Republican party in New England—the worthy successors of John Langdon—to be now found acting with us? They know—but perhaps some in this House do not know—they know that the Southern interest is as much their natural ally, in protecting them against an overweening oligarchy at home, as England is the natural ally of Portugal, against the power of Spain and France; and though they left us for a time, yet now, apprehending danger, and seeing through the artifices of their betrayer, they have returned to us, their old, natural, and approved allies. Sir, have not the Administration, as well as the Opposition, ways and means and funds in their hands, to obtain influence and buy success? Have they not the whole of the great mass of patronage in their hands? But the gentleman says that, so far from taking care of their adherents, they have been too liberal in bestowing this upon their enemies: but it is easy to account for this. An ancient apothegm tells us that it is better to judge between two of your enemies than between two of your friends. In the one case you are almost sure, by your decision, to make a friend, and in the other, to lose one. Now, sir, our able and practised statesmen know, that, by giving a loaf and a fish to an enemy, they make a friend, when, by giving them to one of their friends, they might disoblige another,

who might think his claims disparaged—and that, sir, is the whole secret of their neglecting their friends.

Permit me, sir, again to ask, how comes it that this Administration are brought into their present very curious and unprecedented predicament? How happens it that they alone, of all the Administrations which have been in this country, find themselves in the minority in each House of Congress, when the very worst of their predecessors kept a majority till midnight on the 8d or the 4th of March, whichever you may please to call it? Why, sir, under the Administration to which I allude, there were none of those compunctious visitings of nature, at the attacks made on private character. We had no chapter of Lamentations then, on the ravaging and desolating war on the fair fame of all the wise, virtuous, and good of our land. The notorious Peter Porcupine, since even better known as William Cobbett, was the especial protégé of that Administration. I heard them say—I do not mean the head of that Administration, but one of its leaders—that he was the greatest man in the world; and I do not know, sir, that, in point of sheer natural endowment, he was so very far wrong. Yea, sir, it was that very Cobbett, who, if the late publications may be trusted, now says that Mr. Adams has fifteen hundred slaves in Virginia. Sir, was there any slander too vile, too base, for that man to fabricate? I remember well the nick-names under which we passed—yes, sir, I can proudly say, we, although the humblest in the ranks. Mr. Gallatin was *CITOYON GUILLOTINE*, with *le petit fenêtre national*, at his back. My excellent and able colleague, Mr. Nicholas—one of the purest and most pious of men, who afterwards removed to the State of New York, and was a model of republican virtue and simplicity that might have adorned the best days of Sparta or Rome—he, sir, having the misfortune to lose an eye, was held up to ridicule as *POLYPHEMUS*. You are shocked at this, sir, but let me tell you that it was only a little innocent, harmless, federal wit—and the author was the especial protégé of “Government” and its adherents. All chuckled over the Porcupine. To that party the present incumbent then belonged—and another member of this pure Administration. My venerable friend from North Carolina, was *MONSIEUR MAÇON*, with a *cedilla* under the G, to mark him the more for a Frenchman. I forget the cognomen of the learned gentleman from Louisiana, (Mr. LIVINGSTON;) I know that he was never spared: I remember well my own; I wish, sir, it was applicable now, for I was then a boy. Every sanctuary was invaded. As to Mr. Jefferson, every epithet of vituperation was exhausted upon him. He was an atheist, a Frenchman: we were all atheists and traitors; our names and cause, associated with the cannibals and cannibalism of the revolutionary tribunal, and all the atrocities, the most atrocious and revolting of

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which has this day been presented to the House by the imagination of the gentleman from Massachusetts. Yes, sir, then, as now, a group of horrors was pressed upon the public imagination to prop the sinking cause of a desperate Administration. Religion and order were to be subverted; the national debt to be sponged; and the country to be drenched in its best blood by Mr. Jefferson and his Jacobin adherents. Even good men, and not unwise men, were brought to believe this. Mr. Jefferson was elected—and we know what followed. But this, sir, it may be said, was not done by our own people—it was done by foreign hirelings, mercenaries. Sir, it is not only of this description of persons that I speak. It was done in the glorious days of the Sedition Law and the black cockade, when we found in General Shee and his legion, protection against the Prætorian bands of the Administration. These brave fellows were many of them Irish or German, and most of them of Irish or German parentage, chiefly from the Northern Liberties, then the stronghold of republicanism; and, therefore, branded with the opprobrious name of the Fauxbourg St. Antoine, the most Jacobin quarter of Paris.

Sir, I have much to say, which neither my own weakness, nor my regard to the politeness of this House, will permit me now to say. As I have exonerated the principal in that weighty affair of the billiard table, I also exonerate him and his lieutenant from every charge of collusion—in the first instance; and, if it is in order, I will state the reasons for my opinion. When the alliance was first patched up between the two great leaders of the East and West, neither of the high contracting parties had the promotion of the present incumbent at all in view. Sir, I speak knowingly as to one of these parties, and with the highest degree of moral probability of the other. Can it be necessary that I prove this? The thing proves itself. The object was to bring in one of the parties to the compact, whom the constitution subsequently excluded, and of course to provide for the other. A gentleman, then of this House, was the candidate who, to the last hour, cast many a longing, although not lingering look, with outstretched neck, towards Louisiana—*jugulo quasita negatur*—to discover whether or not he should be one upon the list. Sir, it is impossible that he could in the first instance have looked to the elevation of another, or have designed to promote the views of any man but in subserviency to his own. Sir, common sense forbids it. But, sir, all these calculations, however skilful, and DEMORVRE could not have made better, utterly failed. Mr. Crawford most obstinately, and unreasonably, I confess, refused to die. It was certainly very disobliging in him. I saw him before I went abroad, and I thought it was a hundred to one that he could not survive the summer: he was then dead to every purpose, public or private. Louisiana refused to vote

as obstinately as Mr. Crawford refused to die; and so the gentleman was excluded. It was then that Mr. Adams was first taken up, as a *pis aller*, which we planters of the South translate, a hand plant.

Sir, there never was a man who had so much cause as General Jackson has had to say, "Save me from my friends, and I will take care of my enemies." Yes, sir, he could take care of his enemies—from them he never feared danger; but not of his friends, at least of some, whose vanity has prompted them to couple their obscure names with his; and it is because he did take care of his enemies, who were his country's enemies, and for other reasons, which I could state, that his cause is now espoused by that grateful country. But General Jackson is no statesman. Sir, I deny that there is any instance on record, in history, of a man not having military capacity, being at the head of any Government, with advantage to that Government, and with credit to himself. Sir, there is a great mistake on this subject. It is not those talents which enable a man to write books and make speeches, that enable him to preside over a Government. The wittiest of poets has told us, that

"All a Rhetorician's Rules  
Teach only how to name his Tools."

We have seen Professors of Rhetoric, who could no doubt descend fluently upon the use of these said tools; yet sharpen them to so wiry an edge as to cut their own fingers with these implements of their trade. Sir, Thomas à Becket was as brave a man as Henry the Second, and, indeed, a braver man—less infirm of purpose. And who were the Hildebrands, and the rest of the papal freebooters, who achieved victory after victory over the proudest monarchs and States of Europe? These men were brought up in a cloister, perhaps, but they were endowed with the highest of all the gifts of Heaven, the capacity to lead men, whether in the Senate or in the field. Sir, it is one and the same faculty, and its successful display has always received, and ever will receive, the highest honors that man can bestow; and this will be the case, do what you will, cant what you may, about military chieftains and military domination. So long as a man is a man, the victorious defender of his country will and ought to receive, that country's suffrage, for all that the forms of her Government allow her to bestow.

Sir, a friend said to me not long since, "Why, General Jackson can't write"—"admitted." (Pray, sir, can you tell me of any one that can write? for, I protest, I know nobody that can.) Then turning to my friend, I said, It is most true that General Jackson cannot write, (not that he can't write his name, or a letter, &c.,) because he has never been taught. But his competitor cannot write, because he was unteachable: for he has had every advantage of education and study. Sir, the Duke of Marlborough, the greatest captain and negotia-

tor of his age—which was the age of Louis XIV.—and who may rank with the greatest men of any age; whose irresistible manners and address triumphed over every obstacle in council, as his military prowess and conduct did in the field—sir, this great man could not even spell, and was notoriously ignorant of all that an undergraduate must know; but which it is not necessary for a man at the head of affairs to know, at all. Would you have superseded him by some Scotch schoolmaster? Sir, gentlemen forget that it is an able helmsman we want for the ship of State, and not a professor of navigation or astronomy.

Sir, among the vulgar errors that ought to go into Sir Thomas Brown's book, this ought not to be omitted; that learning and wisdom are synonymous, or at all equivalent. Knowledge and wisdom, as one of our most delightful poets sings—

“Knowledge and wisdom, far from being one,  
Have oftimes no connection—knowledge dwells  
In heads replete with thoughts of other men;  
Wisdom, in minds attentive to their own.  
Knowledge is proud that he has learned so much;  
Wisdom is humble that he knows no more.  
Books are not seldom talismans and spells,  
By which the magic art of shrewder wits  
Holds the unthinking multitude enchained.”

And not books only, sir—speeches are not less deceptive. Sir, I not only consider the want of what is called learning not to be a disqualification for the command in chief in civil or military life, but I do consider the possession of too much learning to be of most mischievous consequence to such a character; who is to draw from the cabinet of his own sagacious mind, and to make the learning of others, or whatever other qualities they may possess, subservient to his more enlarged and vigorous views. Such a man was Cromwell—such a man was Washington. Not learned, but wise. Their understandings were not clouded or cramped, but had fair play. Their errors were the errors of men, not of schoolboys and pedants. Sir, so far from the want of what is called education being a very strong objection to a man at the head of affairs, over-education constitutes a still stronger objection. [In the case of a lady it is fatal. Heaven defend me from an over-educated, accomplished lady. Yes, sir, accomplished indeed, for she is finished for all the duties of a wife, or mother, or mistress of a family.] Sir, we hear much of military usurpation, of military despotism—of the sword of a conqueror—of Cæsar—and Cromwell, and Bonaparte. What little I know of Roman history, has been gathered chiefly from the surviving letters of the great men of that day—of Cicero especially—and I freely confess to you, that, if I had then lived, and been compelled to take sides, I must, though very reluctantly, have sided with Cæsar, rather than take Pompey for my master. Sir, it was the interest of the house of Stuart—and they were long enough in power to do it—to black-

en the character of Cromwell—that great, and I must add, bad man. But, sir, the devil himself is not so black as he is sometimes painted. But who would not rather have obeyed Cromwell, than that self-styled Parliament, which obtained a title too indecent for me to name, but by which it is familiarly known and mentioned in all the historians, from that to this day. Sir, Cromwell fell under a temptation, perhaps too strong for the nature of man to resist—but he was an angel of light to either of the Stuarts—the one whom he brought to the block; or his son, a yet worse man, the blackest and foulest of miscreants that ever polluted a throne. It has been the policy of the house of Stuart and their successors—it is the policy of kings—to vilify and blacken the memory and character of Cromwell. But the cloud is rolling away. We no longer consider Hume as deserving of the slightest credit. Cromwell was “guiltless of his country's blood.” His was a bloodless usurpation. To doubt his sincerity at the outset, from his subsequent fall, would be madness—religious fervor was the prevailing temper and fashion of the times. Cromwell was a usurper, 'tis granted; but he had scarcely any choice left him. His sway was every way preferable to that miserable corpse of a Parliament, that he turned out, as a gentleman would turn off a drunken butler and his fellows, or the pensioned tyrant that succeeded him—a dissolute, depraved bigot and hypocrite, who was outwardly a Protestant, and at heart a Papist. He lived and died one, while pretending to be a son of the Church of England, aye, and swore to it, and died a perjured man. Sir, if I must have a master, give me one whom I can respect, rather than a knot of knavish attorneys. Sir, Bonaparte was a bad man; but I would rather have had Bonaparte than such a set of corrupt, intriguing, public plunderers as he turned adrift. The Senate of Rome—the Parliament of England—the Councils of Elders and of Youngsters—the Legislature of France—all made themselves first odious and then contemptible; and then comes a usurper: and this is the natural end of a corrupt civil Government.

There is a class of men who possess great learning, combined with inveterate professional habits, and who are (*ipso facto*, or perhaps I should rather say *ipsis factis*, for I must speak accurately, as I speak before a Professor) disqualified for any but secondary parts anywhere—even in the Cabinet. Cardinal Richelieu was, what! A priest. Yes, sir, but what a priest! Oxenstiern was a chancellor. He it was who sent his son abroad to see—*quam parva sapientia regitur mundus*—with how little wisdom this world is governed. This Administration seemed to have calculated that even less than that little would do for us. The gentleman called it a strong, an able Cabinet—second to none but Washington's first Cabinet. Sir, I could hardly look at him for blushing. What, sir, is Gallatin at the head of the Treas-

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ury—Madison in the Department of State? The mind of an accomplished and an acute dialectician, of an able lawyer, or, if you please, of a great physician, may, by the long continuance of one pursuit—of one train of ideas—have its habits so inveterately fixed, as effectually to disqualify the possessor for the command of the councils of a country. He may, nevertheless, make an admirable chief of a bureau—an excellent man of details—which the chief ought never to be. A man may be capable of making an able and ingenious argument on any subject within the sphere of his knowledge; but, sir, every now and then the master sophist will start, as I have seen him start, at the monstrous conclusions to which his own artificial reason had brought himself. But, this, sir, was a man of more than ordinary natural candor and fairness of mind. Sir, by words and figures you may prove just what you please; but it often and most generally is the fact, that, in proportion as a proposition is locally or mathematically true, it is politically and common-sensically (or rather nonsensically) false. The talent which enables a man to write a book, or make a speech, has no more relation to the leading of an army or Senate, than it has to the dressing of a dinner. The talent which fits a man to head a Government, is the talent for the management of men—a mere dialectician never had, and never will have it: both requires the same degree of courage, though of different kinds. The very highest degree of moral courage is required for the duties of government. I have been amused when I have seen some dialecticians, after assorting their words—"the counters of wise men, the money of fools"—after they had laid down their premises, and drawn, step by step, their deductions, sit down, completely satisfied, as if the conclusions to which they had brought themselves were really the truth—as if it were irrefragably true. But wait until another cause is called, or till another court sits—till the bystanders and jury have had time to forget both argument and conclusion, and they will make you just as good an argument on the opposite side, and arrive, with the same complacency, at a directly opposite conclusion, and triumphantly demand your assent to this new truth. Sir, it is their business—I do not blame them. I only say that such a habit of mind unfits men for action, for decision. They want a client to decide which side to take; and the really great man performs that office for them. This habit unfits them for government in the first degree. The talent for government lies in these two things—sagacity to perceive, and decision to act. Genuine statesmen were never made such by mere training; education will form good business men—*nascuntur non fiunt*. The maxim (*nascitur non fit*) is as true of statesmen as it is of poets. Sir, let a house be on fire, you will soon see in that confusion who has the talent to command. Let a ship be in danger at sea, and ordinary subordination destroyed, and you

will immediately make the same discovery. The ascendancy of mind and of character exists and rises as naturally and as inevitably, where there is free play for it, as material bodies find their level by gravitation. Thus a great diplomatist, like a certain animal, oscillating between the hay on different sides of him, wants some power from without, before he can decide from which bundle to make trial. Who believes that Washington could write as good a book or report as Jefferson, or make as able a speech as Hamilton? Who is there that believes that Cromwell would have made as good a judge as Lord Hale? No, sir; these learned and accomplished men find their proper place under those who are fitted to command, and to command them among the rest. Such a man as Washington will say to a Jefferson, do you become my Secretary of State; to Hamilton, do you take charge of my purse, or that of the nation, which is the same thing; and to Knox, do you be my master of horse. Sir, all history shows this, but great diplomatists and great scholars are; for that very reason, unfit to be rulers. Sir, would Hannibal have crossed the Alps when there were no roads—with elephants—in the face of the warlike and hardy mountaineers—and carried terror to the very gates of Rome, if his youth had been spent in poring over books? Would he have been able to maintain himself on the resources of his own genius for sixteen years in Italy, in spite of the faction and treachery in the Senate of Carthage, if he had been deep in conic sections and fluxions and the different calculus—to say nothing of botany, and mineralogy, and chemistry? "Are you not ashamed," said a philosopher to one who was born to rule, "are you not ashamed to play so well upon the flute?" Sir, it was well put. There is much which it becomes a secondary man to know—much that it is necessary for him to know—that a first-rate man ought to be ashamed to know. No head was ever clear and sound that was stuffed with book-learning. You might as well attempt to fatten and strengthen a man by stuffing him with every variety and the greatest quantity of food. After all, the chief must draw upon his subalterns for much that he does not know, and cannot perform himself. Sir, my friend Wm. R. Johnson has many a groom that can clean and dress a race-horse, and ride him too, better than he can. But what of that? Sir, we are, in the European sense of the term, not a military people. We have no business for an army—it hangs as a dead weight upon the nation—officers and all. Sir, who rescued Braddock when he was fighting, *secundum artem*, and his men were dropping around him on every side? It was a Virginia militia Major. He asserted in that crisis the place which properly belonged to him, and which he afterwards filled in the manner we all know.

Sir, I may, without any mock modesty, acknowledge what I feel, that I have made an

unsuccessful reply to the gentleman from Massachusetts. There are some subjects which I could have wished to have touched upon before I sit down now and forever. I had the materials in my possession when I came into this House this morning, but I am dragged down by physical weakness from the most advantageous use of them.

Sir, what shall we say to a gentleman, in this House or out of it, occupying a prominent station, and filling a large space in the eye of his native State, who should, with all the adroitness of a practised advocate, gloss over the acknowledged encroachments of the men in power, upon the fair construction of the constitution, and then present the appalling picture, glaring and flaming, in his deepest colors, of a bloody military tyrant—a raw-head and bloody-bones—so that we cannot sleep in our beds—who should conjure up all the images that can scare children and frighten old women—I mean very old women, sir—and who offers this wretched caricature—this vile daub, where brick dust stands for blood, like Peter Porcupine's Bloody Buoy, as a reason for his and our support in Virginia, of a man in whom he has no confidence, whom he damns with faint praise—and who, moreover—tell it not in Gath! and zealously, and elaborately, (I cannot say ably,) justified every one of these very atrocious and bloody deeds—yes, sir, on paper—not in the heat of debate, in the transports of a speech, but—as the author of the Richmond Anathema full well knew—and knew that we, too, knew—deliberately and officially. Sir, if we did not know that lawyers never see but one side of a case—that on which they are retained, and that they fondly hope that the jury will see with their eyes—what should we say of such a man? His client having no character, he attacks defendant's character, upon a string of charges, in every one of which (supposing them to be true) his client was self-avowed *particeps criminis*—having defended, adopted, and made each and every one of them his own. Sir, such a man may be a great lawyer, (although this is but a poor specimen of his skill in that line,) or a great mathematician, or chemist; but of a man guilty of such glaring absurdity, it may be fearlessly pronounced that, in the management of his own concerns, and in the affairs of men, he has not "right good common sense." And here, sir, we come to that great and all-important distinction, which the profane vulgar—whether they be the great vulgar or the small—too often overlook; and which I have, lamely, I fear, endeavored to press upon the House—I mean the distinction between knowledge and learning, on the one hand, and sense and judgment, on the other. And there, sir, lies the great defect of the gentleman in question. Sir, I have heard it said of him, by those who know and love him well, "that he can argue either side of a question, whether of law, of policy, or of constitutional construction, with great ingenu-

ity and force; but he wants that sagacity in political affairs, which first discerns the proper end, and then adopts the most appropriate means: and he is deficient in that knowledge of mankind, which would enable another (much his inferior) to perceive that his honest disinterestedness is played upon by those who are conscious that he prides himself upon it. It is the lever by which he is on all occasions to be moved. It is his pride, an honest and honorable pride, which makes him delight to throw himself into minorities, because he enjoys more self-gratification from manifesting his independence of popular opinion—than he could derive from any thing in the gift of the people. His late production—the Adams convention manifesto, is the feeblest production of the day. The reason is, his head and heart did not go together."

Sir, this picture is drawn by the hand of a friend. As we have had billiard tables and chess boards introduced into this debate, I hope I may be allowed to borrow an illustration from this last game. Sir, one of these arguing machines reminds me of the bishop at chess. The black or white bishop (I use the term not in reference to the color of the piece, but of that of the square he stands upon) is a serviceable piece enough in his way; but he labors under this defect: that, moving in the diagonal only, he can never get off his original color. He can scour away all over just one-half of the board; but his adversary may be on the next square, and perfectly safe from his attack. To be safe from the bishop, you have only to move upon any one of the thirty-two squares that are forbidden ground to him. But not so the irregular knight, who, at successive leaps, can cover every square upon the board, to whose check the king can interpose no guard, but must move. Even the poor pawn has a privilege which the bishop has not: for he can elude his mitted adversary by moving from a white square to a black one, or from a black square to a white one, and finally reach the highest honors of the game. So even a poor peasant, of sense, may instruct the philosopher, as the shepherd did, in that beautiful introduction, the finest of Mr. Gay's fables but one, who drew all his notions of men and things from nature. Sir, it is in vain to turn over musty folios, and double down dog's ears: it does very well in its place—in a lawyer's office—or a bureau. I am forced to use the word for want of a better; but it will not supply the place of that which books never gave, and never can give—of judgment and experience. Sir, who would make the better leader, in a period of great public emergency—old Roger Sherman, or a certain very learned gentleman from New York, whom we once had here, who knew every thing in the world for which man has no occasion, and nothing in the world for which man has occasion? Sir, the people, who are always unsophisticated—and though they may occasionally be misled, are

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always right in their feelings, and always judge correctly in the long run—have taken up this thing. It is a notorious fact, in Virginia, that, in County Courts, where men are admitted to sit as judges, who are not of the legal profession—plain planters, who have no pretensions to be considered as lawyers—the decisions are much seldomer reversed than in those courts where a barrister presides: his reasons may be more plausible, but his decision will be oftener wrong. Yes, sir, the people have decided upon this thing.

Sir, I will suppose a case: I will suppose that the late convulsive struggles of the Administration may so far succeed, as that they will be able to renew their lease for another four years. Now, sir, if a majority of this House can't get along with such a minority hanging on their rear, cutting off supplies, and beating up their quarters, what will be the situation of the Administration then? Sir, what is it now? Did anybody ever hear of a victory obtained by the Executive power, while a decided majority of the Legislature was against it? Sir, I know of no such victory, but one—and that was the parricidal victory of the younger Pitt over the Constitution of England; and he gained that only by the impetuous obstinacy of the king, which then gave indications of the disease that was lurking in his constitution, and afterwards so unhappily became manifest.

Sir, the king was an honest man, and a much abler man than he ever had credit for. But he was incurably obstinate. He had just lost the colonies. No matter—he would risk the crown of England itself, and retire to his hereditary States in Germany, rather than yield: and, sir, but for a barefaced coalition, he would have so retired, and have supplied a most important defect in the act of settlement—the separation of Hanover from England. But the corrupt bargain of Lord North and Mr. Fox, to share office between them, disgusted the people—they took side even against their own liberties. But here, sir, the coalition is not on the side of the people's rights, but against them. Mr. Pitt (the crown rather) triumphed. Knaves cried Hosanna; and fools repeated the cry. England recovered by the elasticity which belongs to free institutions, and Mr. Pitt attained a degree of power that enabled him to plunge her into the mad vortex of war with revolutionary France. Nine hundred millions of debt; taxes, in amount, in degree, and mode, unheard of; pauperism, misery, in all possible forms of wretchedness—attest the greatness of the heaven-born Minister, who did not weather the storm, but was whelmed beneath it, leaving his country to that Providence whom it pleased to rescue her in her utmost need, by inflicting madness on her great unrelenting enemy, and sending this modern Nebuchadnezzar to grass. Sir, Mr. Pitt is as strong an instance for my purpose, as I could have wanted. He was a rhetorician, a speech-maker; a man of words,

and good words too, at will; a dexterous debater—and if he had continued to ride the western circuit, he might have been an eminent wrangler at the bar, and, in due time, a Chief Justice or Lord Chancellor. But, for the sins of England, he was made Prime Minister, and at five and twenty too. Sir, Mr. Pitt no more saw what was ahead of him, than the idiot in the parish workhouse. He no more dreamt, when the war began, to what point he would be able to push his system, if system it may be called, than any clerk in his office. The productive powers of a people like the English, where property is perfectly secure and left free to act, and where the industrious classes are shut out from almost any participation in public affairs, is incredible; is almost without limit. Two individuals discovered two mines, more precious and productive than Guanaxuato or Potosi—that furnished the means for his prodigality, that astonished even Mr. Pitt. These were Sir Richard Arkwright and Mr. Watt—the spinning machine and the steam engine. And this imbecile and blundering Minister has been complimented with what is due to the unrivalled ingenuity and industry of his countrymen. So, sir, in like manner, this young Hercules of America, who, if we can keep him from being strangled by the serpents of corruption, must grow to gigantic strength and stature—every improvement which he makes, in spite of the misrule of his governors, these very modestly arrogate to themselves.

We have been told, officially, that the President wished the great question to have been referred back to the people, if by the forms of the constitution this could be done. Sir, if I were the friend, as I am the undisguised enemy of the Administration, I would say to them, You may be innocent—your intentions may be upright—but you have brought the country to that pass, that you can't carry on the Government. As gentlemen possessing the least self-respect, you ought to retire—leave it—try another venue—you can't carry on the Government without us, any more than we can act, while every thing in the Executive Government is against us. Sir, there are cases in which suspicion is equivalent to proof—and not only equal to it, but more than equal to the most damning proof. There is not a husband here who will not ratify this declaration—there may be suspicion so agonizing, that it makes the wretch cry out for certainty as a relief from the most damning tortures. Such suspicions are entertained with respect to these gentlemen—and though they are making a convulsive effort to roll back the tide of public opinion, they can't allay the feeling—the suspicion rests upon the facts—and, do what they may, facts will not bend at their bidding. Admit it to be suspicion—it is equally fatal, as regards them and the public service, with the reality. Mr. R. would not go in pursuit of the *alibi* and *aliases* of the accused—of the tubs, wheth-



er with false bottoms or double bottoms, thrown out to amuse the public. The whole conduct of the accused had displayed nothing of the dignity of innocence; but all the restlessness of guilt. Every word of Mr. Clay's late pamphlet might be true, and yet the accused be guilty, notwithstanding.

The gentleman from Massachusetts warned us, that, if the individual we seek to elevate shall succeed, he will, in his turn, become the object of public pursuit, and that the same pack will be unkenelled at his heels, that have run his rival down. It may be so. I have no hesitation to say, that, if his conduct shall deserve it, and if I live, I shall be one of that pack; because, sir, I maintain the interests of stockholders, against presidents, directors, and cashiers. And here, sir, I beg leave to notice an objection urged, as I have heard, against me, by the gentleman from Ohio, (Mr. VANOK.) He says that I have been opposed to all Administrations. Sir, I deny it to be fact. I did oppose the elder Adams, because he attacked the liberty of the press and of the subject; because his opinions were at war with the genius of our institutions. He avowed them openly, and I liked him the better for his frankness. But, sir, I supported the Administration of his successor. I did for it what I could—little enough, God knows. The first case in which I differed from that Administration, was the case of the Yazoo claims, which I thought a case of flagrant corruption. I do not mean, and I never did believe, that there was corruption in the President, or his two Secretaries; and it did not cause me to separate myself from them. I separated from that Administration three years afterwards, with pain and sorrow, and not without some anger, too; for, sir, I have no idea of that extreme of candor and meekness which denounces the measures of a Government, as Bottom says in the play, "and will roar you as gently as any sucking dove." It is not my nature to do so, and it would be criminal and ridiculous in me, because it would be hypocrisy to affect it. Sir, when the former restrictive system was first commenced, I thought I saw what I now know I did then see—the fatal and ruinous consequences that would then grow out of it. I told Mr. Jefferson, candidly and frankly, that, if he expected support in a certain quarter, and did not find it, he need not blame me. Sir, I will not repeat what he said on that occasion, but he deplored the separation. But, permit me to remind you, sir—for you were then too young to know much of these matters—that, previously, but nearly at the same time of my leaving that Administration, a certain wise man from the East joined it, who soon after went off to Canada, under strong suspicion of felony; and this was soon followed by a certain gentleman's giving his adhesion, who had before been violently opposed to it, and to all its best measures. Sir, I have not the least objection to its being said of me, that I sepa-

rated myself from Mr. Jefferson, when Barnabas Bidwell and John Quincy Adams joined him.

Some allusion has been made to the discordant materials of the present Opposition. Sir, they are somewhat discordant—at least they have been so. But are they more so than the adherents of the present Administration, or the materials of the Administration itself? Sir, I will remember almost the first propitiation (the first was the writ of habeas corpus) which he who is now the President of the United States made to Mr. Jefferson and his party. It was an attempt to run down the present Chief Justice. The right of John Smith to a seat in the Senate, was made the peg to hang it on. I will tell the gentleman the whole reason why I have opposed the Administration since that time, and may again, if, according to my judgment, they shall not consult the good of the country. It is, sir, simply because I am for the interests of the stockholders—of whom I am one—as opposed to those of the president, directors, and cashiers; and I have the right of speaking my opinion, and shall exercise it, though it happen to be against the greatest and proudest names.

Sir, I am no judge of human motives: that is the attribute of the Name which I will not take in vain—the attribute of Him who rules in heaven, or who becomes incarnate upon earth—mere man can claim no such exemption.

I do not pretend that my own motives do not partake of their full share of the infirmity of our common nature—but of those infirmities, neither avarice nor ambition form one *iota* in the composition of my present motives. Sir, what can the country do for me? Poor as I am—for I am much poorer than I have been—impooverished by unwise legislation—I still have nearly as much as I know how to use—more, certainly, than I have at all times made a good use of—and, as for power, what charms can it have for one like me? Sir, if power had been my object, I must have been less sagacious than my worst enemies have represented me to be, (unless, indeed, those who would have kindly shut me up in bedlam,) if I had not obtained it. I may appeal to all my friends to say whether "there have not been times when I stood in such favor in the closet, that there must have been something very extravagant and unreasonable in my wishes, if they might not all have been gratified." Was it office? What, sir, to drudge in your laboratories in the Departments, or to be at the tail of the *corps diplomatique* in Europe? Alas, sir, in my condition, a cup of cold water would be more acceptable. Sir, what can the country give me that I do not possess in the confidence of such constituents as no man ever had before? Sir, I could retire to my own patrimonial trees, where I might see the sun rise and set in peace. Sir, as I was returning, the other evening, from the Capitol, I saw—what has been a rare sight here this winter—the sun

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dipping his broad disc among the trees behind those Virginia hills, not allaying his glowing axle in the steep Atlantic stream—and I asked myself, if, with this Book of Nature unrolled before me, I was not the most foolish of men to be struggling and scuffling here, in this heated and impure atmosphere, where the play is not worth the candle; but then the truth rushed upon my mind, that I was, vainly, perhaps, but honestly, striving to uphold the liberties of the people who sent me here—yes, sir—for can those liberties co-exist with corruption? At the very worst, the question recurs, which will the more effectually destroy them, collusion, bargain, and corruption here, or a military despotism? When can that be established over us? Never, till the Congress has become odious and contemptible in the eyes of the people—sir, I have learned from the highest of all authority, that the first step towards putting on incorruption is the putting off corruption. That recollection nerves me in the present contest; for I know that, if we succeed, I shall hold over the head of those who succeed the present incumbent, a rod, which they will not dare, even if they had the inclination, to disobey. They will tremble at the punishment of their predecessors. Sir, if we succeed, we shall restore the constitution—we shall redress the injury done to the people—we shall regenerate the country. If the Administration which ensues shall be as bad as the character of the opposing candidate (General Jackson) is represented by his bitterest foes to be, still I had rather it were in the seat of power than the present dynasty, because it will have been fairly elected. The fountain of its authority will not have been poisoned at the source. But, sir, if we perish under the spasmodic efforts of those now in power to reinstate themselves on the throne, our fate will be a sacred one—and who would wish to survive it?—there will be nothing left in the country worth any man's possession. If, after such an appeal as has been made to the people, and a majority has been brought into this and the other House of Congress, this Administration shall be able to triumph, it will prove that there is a rottenness in our institutions, which ought to render them unworthy of any man's regard—sir, my "churchyard cough" gives me the solemn warning, that, whatever part I shall take in the chase, I may fail of being in at the death—I should think myself the basest and the meanest of men—I care not what the opinion of the world might be—I should know myself to be a scoundrel, and should not care who else knew it, if I could permit any motive, connected with the division of the spoil, to mingle in this matter with my poor, but best exertions for the welfare of my country. If gentlemen suppose I am giving pledges, they are mistaken—I give none—they are entitled to none—and I give none. Sir, I shall retire upon my own resources—I will go back to the bosom of my constituents—to such constitu-

ents as man never had before, and never will have again—and I shall receive from them the only reward that I ever looked for, but the highest that man can receive—the universal expression of their approbation—of their thanks. I shall read it in their beaming faces—I shall feel it in their gratulating hands. The very children will climb around my knees to welcome me. And shall I give up them, and this? And for what? For the heartless amusements, and vapid pleasures, and tarnished honors, of this abode of splendid misery, and of shabby splendor? For a clerkship in the War Office, or a Foreign Mission, to dance attendance abroad, instead of at home—or even for a Department itself? Sir, thirty years make sad changes in a man. When I first was honored with their confidence, I was a very young man, and my constituents stood in almost parental relation to me, and I received from them the indulgence of a beloved son. But the old patriarchs of that day have been gathered to their fathers—some adults remain, whom I look upon as my brethren; but the far greater part were children—little children—or have come into the world since my public life began. I know among them grandfathers, and men muster-free, who were boys at school, when I first took my seat in Congress. Time, the mighty reformer and innovator, has silently and slowly, but surely, changed the relation between us; and I now stand to them, *in loco parentis*, in the place of a father, and receive from them a truly filial reverence and regard. Yes, sir, they are my children—who resent, with the quick love of children, all my wrongs, real or supposed. To them I shall return, if we are defeated, for all of consolation that awaits me on this side of the grave. I feel that I hang to existence but by a single hair—that the sword of Damocles is suspended over me.

If we succeed, we shall have given a new lease to the life of the constitution. But, should we fail, I warn gentlemen not to pour out their regrets on General Jackson. He will be the first to disclaim them. The object of our cause has been, not to raise Andrew Jackson to the Presidency—be his merits what they may—its object has been the signal and condign punishment of those public servants, on whom, if they be not guilty, the very strongest suspicion of guilt must ever justly rest.

SATURDAY, February 2.

Retrenchment.

The House then resumed the consideration of the resolutions of Mr. CHILTON, with the amendment proposed thereto by Mr. BLAKE, as modified.

Mr. SERGEANT said he should be sorry to have it known how much difficulty he had had to overcome the repugnance he felt to make any demand upon the time and attention of the House in this debate. If known to others, to the extent he had felt it himself, he was afraid

it would be deemed an absolute weakness. He had been, for some time, he said, out of the House. Great changes had taken place in its composition during that period. There were many members to whom he was a stranger. It seemed to him also, that there was a change in the kind of demand they made on each other. Nothing appeared to him likely to engage the attention of the House—judging from what he had witnessed—unless it was piquant, highly seasoned, and pointed with individual and personal allusion. For this, he was neither prepared nor qualified. He would take up as little time as possible, and, as far as he could, would avoid all topics that were likely to irritate and inflame. He would not here treat of the great question which agitates the people of this nation, and upon which, as one of the people, he had a decided opinion. If touched at all, it would be incidentally, as the natural consequence of remarks upon the subject before the House, and of the facts he should have to state, and not as a principal point.

It was one thing, he said, to offer a resolution like that under consideration, and another to vote upon it after it had been offered. The gentleman from Kentucky, he hoped, would consider him as speaking with entire respect for his motives and views. But, for himself, he must say, that he (Mr. S.) would not have offered the resolution; yet, being brought forward, he would not vote to lay it upon the table, nor to make any other disposition of it, that would prevent the proposed inquiry from having a full discussion and free course. The reasons for both these conclusions appeared to him to be perfectly satisfactory.

He would not, he said, have proposed such a resolution, because he thought it must be unavailing. It was too extensive for any practical purpose—it aimed at too much. It embraced the whole business of Congress. It was our duty, he said, to take care that the public affairs were carried on, in the most profitable manner for the people, and with the least public burthen. And this was not peculiarly the duty of Congress at any one time, but at all times. It was the great end and object of our labors and our care, and ought to be of daily application by all of us. He thought it too much, to devolve upon a single committee the whole of that which was the common concern and care of Congress.

He thought it unnecessary. Every inquiry proposed by this resolution, was already provided for, in accordance with the duty of the House, by the appointment of committees, to give effect to the great guards of the constitution, within their respective spheres. No money can be drawn from the Treasury, but in pursuance of appropriations made by law. No officer can be appointed, but under the authority of the constitution or the laws. No salary can be affixed to an office but by the same warrant. The Committee of Ways and Means—a

standing committee of the House—acts upon estimates furnished by every department of the Government. When called upon to report appropriations, they compare these estimates with existing laws and existing exigencies, and report only such as are justified by law. When they report the appropriation bills, each item of them is subject to the revision of every member of this House. The annual appropriation bill brings every thing under review. The House itself is to examine in detail, and see that all is in conformity with the law. Have we not, too, committees on the expenditures of each Department? And a Committee on the Public Expenditures, to make a biennial examination, and see that the moneys have been faithfully applied, according to the appropriations, and fully accounted for? He would not speak at present of the manner in which Congress makes appropriations, nor how they are to be accounted for, particularly the contingent fund of this House, or of any of the Departments. But he would say this—if there be any appointment not authorized by law, or any salary paid, which the law does not authorize, let the specific abuse be pointed out, and traced to its source, so that the offence and the offender may be known. He knew of none such.

There was still another reason why he should not have brought forward such a resolution—he spoke sincerely, and, after listening to this debate, as well as making some examination for himself—there was no basis laid for the resolution, as there ought to be, by showing that there was abuse or extravagant expenditure, or such a state of things as rendered a general inquiry necessary, either for the purpose of immediate correction, or, as had been intimated, to procure materials for a more propitious moment. The structure of this Government was not the work of a day. He did not speak of the constitution, but of the fabric which had been constructed under the constitution, for effectuating its great purposes. It had not been built up at one time, but by successive and continued exertions of successive Legislatures. It was not the work of one party but of all the parties which had existed in the United States. Begun by one, extended and enlarged by another; at one time, perhaps, carried too far, and then somewhat reduced, so as to adapt it to the state of the country. But in such reduction, always following the only course that can lead to any practical result—that of examining it item by item, and piece by piece. It was not now the possession of one set of men, nor of one party, but of the whole people of the United States, by whose immediate Representatives it had thus been constructed. The Legislature was created by the constitution—its pay and expenses are regulated by itself. The Executive too, was established by the constitution. The subordinate officers have been created by Congress, and increased according to the growing wants of this

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expanding nation. Their pay and emoluments have been fixed by Congress. Even the number of clerks in each Department, and the pay of every clerk, is regulated and ascertained by law. It had, indeed, been remarked by the gentleman from Virginia, (Mr. RANDOLPH,) that the contingent expenses of this House had increased in a much greater ratio than its numbers; that, in twenty years, the numbers of the members had only doubled, and the expenses were nearly quadrupled. This matter is entirely under the regulation of the House. If the expense be too great, let it be checked and controlled, by limiting, if it be possible, those branches of service which occasion the expense. But he did not believe the numerical argument precisely correct, or that, in this case, 2 and 2 would necessarily only make four. When it was considered that this confederation now embraced twenty four States, and three Territories; when we considered the extent of the country, and the space through which information was to be diffused; he thought it would be a great error to suppose the expenses would increase only according to the increase of the number of Representatives. He rather thought, that, like the price of plate, glass, or diamonds, they would increase in somewhat of a geometrical ratio. The greater part of the expense, however, it was obvious was incurred for the purpose of giving information, and this was an object of too much importance to be sacrificed for the purpose of saving expense.

The establishments of the country had been formed in the same way—the Army, the Navy, the foreign intercourse. On what basis do they stand? Each on the footing upon which it has been deliberately placed by Congress, after carefully considering what the public service required, and what they were respectively worth. There may have been error—nothing human is exempt from liability to error. Sometimes, however, it is imputed with unjust severity. But, if there be error, let it be pointed out, examined, and corrected. There let the wisdom of Congress apply the remedy, at the point where the evil exists.

There was an additional reason why he would not have offered such a resolution, and especially at the present moment. He would state it freely. At the same time, he thought it proper to say, that he had no doubt the resolution was fairly and honestly meant, and for the direct purpose for which the mover himself had stated. He (the mover) thought, and some of his constituents thought, that there were points in which reform was necessary, and that they might be embraced by a general inquiry. But his (Mr. S.'s) objection to himself bringing forward such a resolution was this: a general allegation of extravagance and abuse, such as the resolution seems to apply, cannot be accurately and satisfactorily met. It is impossible, whatever may be the fact, to give it a demonstrative refutation, because it presents no

specific subject for discussion. It may do harm: it is calculated to spread abroad an opinion that abuse and extravagance exist, and are allowed here, at the seat of Government, under the very eye of Congress. It was calculated to weaken the attachment of the people to the Government—not to the Administration—he did not mean that—not to this set of men in power, or to that set of men—but to the Government itself; and to give point to an inquiry he had seen in a newspaper with great regret—of what advantage or use is this Government to the people?—This is especially the case where the allegation includes ourselves.

There was one part of the resolution to which he had the strongest repugnance as a subject of discussion. He never had discussed it, and he did not think he ever would. He referred to the inquiry about our own pay. The amount of the pay of members of Congress has never been altered but once since the adoption of the constitution. (Mr. RANDOLPH—Twice.) Twice altered the mode of compensation, the amount but once. The per diem now allowed was intended to be about equal in substance (he had no exact calculation) to the per annum allowed by the compensation law. Two dollars a day and no more had been added to the pay fixed at the organization of the Government. This could not be deemed an extravagant or exorbitant addition. He looked back, he said, to the period of that law (compensation law) with great regret. Not that he thought the per annum compensation injurious in principle, or wrong in amount, but he regretted extremely that the public mind should have been agitated as it was by such a question. He would rather have foregone any advantage to himself. No: the advantage was not worth estimating—he would rather have foregone the whole pay for the time, than have been instrumental in furnishing such a cause for regret.

Matters of revenue and expenditure, necessarily sounded in figures. He would not contradict those who seemed to think that even figures might deceive; but he would say that he did not know how such a subject could be understood without resorting to them. It was a matter of calculation after all; and nothing but calculation, however tedious the process, would lead to sure results. He did not intend to restrict himself, in this inquiry, to the term of the present Administration. Beginning with the peace, when the nation was liberated from the extraordinary demands of war, he would embrace the whole period of the last Administration, (which one gentleman had said he thought was wasteful and prodigal,) and as much of the time of the present Administration as had already expired, in order to show that there had been, and still continued to be, a wise and economical management of the affairs of the country. What had been accomplished during that period?

From the Treasury report of 1816, it appears

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that the public debt was then estimated (30th September, 1815) at - \$119,685,558 46

"Subject," the reports adds,  
"to considerable changes and  
additions," estimated at - 7,000,000 00

Making a total of - \$126,685,558 46

There were, besides, large floating claims growing out of the war, for which Congress has been obliged, from time to time, to make provision. The public debt, therefore, in January, 1816, was, in round numbers, one hundred and twenty six millions and a half of dollars. What is it now? Nominally, sixty-seven millions. But, of this aggregate, seven millions were the subscription to the Bank of the United States, for which we have the same amount in stock of equal or of greater value. Deduct that sum, and the total debt is but sixty millions. So that, during the period of about twelve years, beginning immediately after the war, there has been an extinguishment of debt to the amount of rather more than sixty-six millions. But this is not all. There has been created, during the same time, a debt of five millions of dollars to purchase Florida—that is, to pay the claims of our own citizens, stipulated by the treaty with Spain to be paid as the price of that purchase. This sum being added, as it ought to be, there is an aggregate of seventy-one millions, or nearly six millions of dollars a year, during the whole of that period, besides paying the interest of the debt, the expenses of the Government, and making liberal provisions for the public service. This is something. But much more had been done. For what he was about to say, he referred to the report of the Committee of Ways and Means in the year 1816. At the head of that committee was a gentleman who could not be remembered without feelings of deep regret at the public loss sustained by his early death. He possessed, in an uncommon degree, the confidence of this House, and he well deserved it. With so much knowledge, and with powers which enabled him to delight and to instruct the House, there was united so much gentleness and kindness, and such real unaffected modesty, that you were already prepared to be subdued before he exerted his commanding powers of argument. He spoke, he said, of the public loss. As to the individual himself, (the late William Lowndes, of South Carolina,) he had lived long enough to acquire the best possible reputation—a reputation earned by a well-spent life. But to return to the immediate subject. It appeared from the report, that, at the period referred to, (1816,) there was a direct tax of more than five millions and a half; there were internal taxes, consisting of licenses to distillers, tax on carriages, licenses to retailers, auction duties, tax on furniture, on manufactures, excise on distilled spirits, and increased postage to the amount of seven millions, making an aggregate of more than twelve millions

and a half of dollars. From all this weight of burthen, the people of this country had been relieved. Above twelve millions and a half of revenue had been surrendered. Yet the interest of the public debt, amounting, at the beginning of the period, to more than six millions of dollars per annum, had been duly paid; the claims growing out of the war, of very large amount, had been paid; the Army establishment supported; the Navy maintained and augmented; a system of fortifications established and prosecuted, commensurate with the wants of the country; the claims under the treaty with Spain had been satisfied; the regular operations of the Government carried on; and, besides occasional appropriations by Congress, a permanent provision (a heavy draught on the Treasury but well applied) had been made for adding to the comforts of the declining years of the veterans of the Revolution. Something, not inconsiderable, too, had been done in internal improvement. And, during the same period as he had already stated, seventy millions had been paid off of the principal of the public debt. Of this amount he thought it proper to add, more than sixteen millions (principal of the public debt) had been paid during the present Administration.

A Government which has effected this, he said, would seem to be entitled to the praise of being wise and economical, at least until the contrary appeared by some proof of experience. And what is our position now? There is no internal tax, no direct burthen—the expenses of our Government are entirely defrayed by the indirect taxation of the customs. We are in the full enjoyment of civil, religious, and political liberty, to an extent without example; and last, not least, there is as much abstinence on the part of the Government, in the exercise of its powers over individuals, as can possibly be observed: much greater than any known Government ever did, or now does observe. We enjoy under it ample protection, and yet we never feel its pressure. We know of its existence only by the benefits it confers.

Out of the income and revenue of the country, ten millions a year are irrevocably destined as a sinking fund, to extinguish the public debt. The process is rapidly going on. He would repeat the accurate and satisfactory statement which had been made by his colleague, (Mr. STUART.) The annual appropriation is more than sufficient to pay off the debts at the period when, by the terms of the several loans, it is redeemable. The whole may be paid off in the year 1835, and a large surplus accumulated in the Treasury. After that period, the present revenue will exceed, by at least ten millions of dollars, the wants of the Government, and may be accordingly reduced. Such is our condition, and such our prospects.

But there is other proof, more precise, and in some respects, more satisfactory, upon this point of wise economy. What are the total expenditures of the Government, the public

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debt included? Let us take the year 1826. It affords a better basis than the year just ended, because it is all matter of exact knowledge, and no part estimated. The whole expenditure is about twenty-four millions of dollars. The population of the United States at the present moment is not exactly known. But, upon the lowest estimate that can be reasonably formed, this expenditure is less than two dollars for each individual composing it. How then can it be supposed, as it seemed to be by the gentleman from Virginia, (Mr. FLOYD,) that the comparison with other countries would be disadvantageous to us? There is no comparison in the case. Take the Government of England, for example. The taxation there, according to the latest statement I have seen, taking an average of five years, ending in 1823, is no less than fifty-three millions sterling, and the parochial taxes are stated at seven millions more, making a total of sixty millions. This is equal to three pounds sterling a head of the whole population, or at the present rate of exchange, fifteen dollars a head. But he understood the member from Virginia (Mr. FLOYD) to say, that we must add the expense of our State Governments and local charges, and, these being added, our Government would appear to be an expensive one. In the State which he (Mr. S.) had the honor in part to represent, there were no taxes for the support of Government. The only State taxes existing, were some which had been recently imposed, for the purpose of carrying on a great system of beneficial improvement, which could not, with any propriety, enter into the calculation. The proper expenses of the State Government did not, according to his recollection—he spoke merely from memory—exceed ten or fifteen cents for each of the people. As to local charges of various kinds, it would be sufficient to say, that, if they were to be added on one side, they must also, for the purpose of comparison, be added on the other. They existed everywhere. If we pay in our cities and towns for paving, lighting and cleansing, are they exempt from similar charges in England? If we pay for water, do not they pay too? These charges are, in fact, only equivalents for comforts we obtain, and which are better and more cheaply obtained by common contribution. No one is exempt from them. He who lives in the country must either forego these things (some of them he cannot dispense with) or procure them at his own expense. He must sink his own well to get water, and it will cost him more. He must go unlighted in the dark, or he must carry his own light. He must make his own path. If he come to a place where he cannot put down his foot, he must himself lay down a log or a stone to step upon. He repeated, therefore, that these charges, local ones, were only equivalents for comforts which could not be too cheaply had in any other way. They were no part of the present calculation. He then said this was far the cheapest Government—it made

less exactions of any sort from the citizen. This was a fair ground for presuming that it was not wasteful or extravagant.

Now, sir, said he, let us see how this annual expenditure is distributed. That will be coming nearer to the very point in question, and will afford satisfactory information. The total expenditure, rejecting fractions, was twenty-four millions. Of this amount, nearly one-half, that is, eleven millions, were applied to the payment of the principal and interest of the public debt. For the military establishment, including fortifications and military pensions, six millions two hundred thousand dollars. For the navy four millions two hundred thousand dollars. All these are expenditures necessary for carrying into effect laws made upon deliberate consideration, and they will continue to be necessary until Congress, upon the same deliberation, shall think proper to reduce these establishments, or, (which will speedily arrive,) the public debt shall be paid off. When that day comes, the necessary expenditure, and of course the requisite revenue, will be reduced nearly one-half. For the civil, diplomatic and miscellaneous expenditure of the Government, it appears, therefore, that there is left only about two millions six hundred thousand dollars, or a little more than one-tenth part of the whole expenditure.

This expenditure, of a little more than two millions and a half of dollars, or rather more than one-tenth of the whole expenditure, provides for the following objects: The whole of the Legislature of this Union of twenty-four States, contingent expenses included: the whole of the Executive, including the State, Treasury, War, and Navy Departments; the expenses of the Post Office Department, covering a greater extent of territory, and diffusing a greater amount of accommodation than any other known establishment of that kind: the surveying of the public lands; the Mint establishment of the United States: the Governments of three territories: the whole Judiciary of the United States: the light-house establishment: the whole of the expenses of our foreign intercourse, and some miscellaneous items, which, not belonging properly to any other head, are placed under this.

Is it not rather amazing that a Government, extending over twenty-four States and three Territories, embracing so large a space, and so great a population, and providing adequately for all, should be carried on at so small an expense? In other parts of the world it would scarcely be credited. It does the highest honor to the Government, Congress included. It seems to me to show, most satisfactorily, that the Government, instituted by the people, and for the people, has, up to this moment, been true to its appropriate and characteristic principle, of promoting the public welfare—and that instead of being surrounded, as some have appeared to imagine, by extravagance and abuses, we are still in the pure days of the Republic. If hereafter, abuses should occur;

if corruptions should grow up, and our institutions be perverted and overthrown, the patriot—for even then there will be patriots—will look back to our time with mingled admiration and regret, as a portion of the happy and honest period of our history.

He said he had been very much struck with a remark made by a gentleman, whom he was obliged to designate as one of the Opposition—that this was not a favorable time for retrenchment. If retrenchment were necessary he (Mr. S.) thought that there could be no more favorable time. The people could never have higher security than they now have. For we are sure that this Administration will be closely watched, and that no error, however slight, will be left undetected and unexposed. There is the most unceasing vigilance. There has not been, there will not be, a single particular, that will escape the watchful attention of Congress. He did not mean to say that its vigilance ever slumbered. But, assuredly, it can never be more wide awake and active than when stimulated, as it now is, by the feelings which are admitted to exist. There is all the ordinary vigilance and something more. How then can abuse, always obnoxious to the censure of Congress, hope, at this time particularly, to escape examination and exposure? How can it be believed that it has so escaped?

These were some of the reasons why he would not have felt himself bound to offer such a resolution. They were not reasons for opposing it when offered by another, but rather for giving it the fullest and freest course. If, in any quarter of the country, there is an impression of extravagance or abuse, let it be removed. If, said he, any member of this House desires to institute a general inquiry, however unpromising I may think it on account of its aiming at too much, I, for one, will not withhold from him the opportunity; though the mere inquiry seems to imply a censure upon the Government or upon some branch of it. Such an investigation is a very weighty one. It requires a careful examination of the whole structure of the Government, and of all its parts. But I cannot agree with the gentleman from Virginia and the gentleman from South Carolina, that it requires the cordial co-operation of the Executive, nor any co-operation at all. The gentleman from South Carolina who last addressed the House, (Mr. HAMILTON,) says the keys of the Treasury are in the hands of the Executive, and he speaks of the Executive as occupying a fortress inaccessible to us without his leave. Sir, the keys of the Treasury are in the hands of this House, lodged there by the constitution. The keys of every Department are in the hands of this House. Not an avenue, part, or place in the Government, that is not open to us, when we command it to be open. We have an unlimited power to enter, examine, and inquire. We are not obliged to trust to what any one may tell us, nor to adopt the representation of any Head of a Depart-

ment. I acknowledge—and if the Administration were to be changed to-morrow, I would make the same acknowledgment—I do acknowledge that one concession ought, in my opinion, to be made—a very humble concession, indeed, to a co-ordinate branch of the Government, and to the elevated character of the men who fill those elevated places—the concession that we may rely upon the truth of what they tell us, in matters of fact. As to opinion, we can form it for ourselves. Less than this cannot be supposed or conceded.

There were other reasons, he said, why he had not voted to lay the resolution upon the table and would not do so. Such a vote might be interpreted into evidence of a disposition to prevent inquiry. But, especially, he could not consent to such a vote, when the motion was accompanied with a remark, often since repeated as the ground of it, that this was not the time for inquiry, retrenchment, or reform. What does this argument amount to? What does it mean? It means, I suppose, what others have said—that it is not a propitious moment; that we cannot expect a “cordial co-operation” on the part of the Executive; it is pointed, therefore, directly at the present Executive; it is a charge of a serious nature, calculated to prejudice the Executive in the estimation of the people, and to bear upon the pending election of President, to the injury of one of the candidates. He could not give it his sanction, because he knew nothing to warrant it. If reform and retrenchment were proper and necessary, he believed the present Executive would give us his aid as cheerfully and as effectually as any we could have.

The gentleman from South Carolina (Mr. HAMILTON) has very frankly given another version to the suggestion that this is not the time. He would be willing now to collect materials for reform and retrenchment, but he would not be willing now to make reform or retrenchment. And why? Because he did not wish to give the merit of such a work to the present Administration, but to reserve it for a future Administration. This is candid, undoubtedly, but it is unsound doctrine. The gentleman from South Carolina will be obliged, upon reflection, to abandon it. Is it consistent with the duty we owe to the people, to postpone the reform of abuses, if we really believe it necessary, in order that we may strip one Administration of the merit, and bestow the grace of it upon another? Is it not our first duty to do what is required for promoting the public welfare, and to do it at the time when it is required? Can we justify ourselves in delaying it for any consideration whatever, much less for such a one as that which had been stated? He thought not. It would be entirely at variance with every notion he had of the proper functions of Congress. He would therefore say, that, so far as the motion to lay upon the table was calculated to do injury to the present Administration, he was opposed to it on that

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ground. And with this declaration he was sure the gentleman from South Carolina was too candid to find any fault. So far as such a motion was calculated to prevent or to retard inquiry or reform, or had the appearance of being so calculated, he was opposed to it, because he would not willingly place any obstruction in the way.

He said he was not going to enter into the contest of crimination and recrimination which had been carried on here. He felt himself entirely unfit for it. Some topics, however, had been introduced, having something of a specific shape, upon which he would trouble the House with a few observations. The diplomatic intercourse of the country has been charged with extravagance and mismanagement; and with what may perhaps be termed want of taste in its style. He understood a gentleman from Virginia (Mr. FLOYD) to contend, that the whole character of our foreign intercourse ought to be changed. If the allowance to our Ministers was too low, he (Mr. FLOYD) would agree to raise it; but they should come home when the business was done. There should be no permanent missions in other countries—no Ministers remaining abroad. This, said Mr. S., would be an entire change of the system acted upon by the Government ever since its foundation. It ought not to be adopted without being thoroughly considered. He would appeal, then, to the House whether, in the present state of the world, any civilized nation was at liberty to withhold, or refuse the ordinary and established duties of courtesy and hospitality? If she claim to be of the family of civilized nations, and wish to maintain the relations of peace and commerce, is it in her power to withdraw herself from associating with them, upon the terms, and in the manner, which the common convenience has settled? An individual may shut himself up in his house—may refuse to visit—may determine that he will neither give nor receive invitations: if he do, it will not only be at the expense of much innocent gratification to himself, and at the expense, too, of many great advantages to himself, but it will be a positive injury and wrong to society; for, as far as his example goes, it must, if adopted, cut up society by the roots. It is the same with nations. No one can shut herself up. It has been the policy of this nation, from the beginning, to perform her part in this system of mutual and friendly intercourse. Ay, sir, said he, and let it be remembered, that one of the first and highest gratifications this country ever received, was the reception of her Minister at the Court of France—an act which publicly owned her as one of the family of independent nations, and increased her moral power both at home and abroad. If the system is to be changed, Congress must do it. As long as it continues, the duty of the Executive is to give it effect; and no blame can attach to the Administration for executing the provisions of the constitution and the laws.

It was true, he said, that, within a few years past, our diplomatic intercourse had been extended, and its expenses increased. The family of nations had been enlarged by the interesting addition of the new States of this hemisphere. It was, in every view, particularly interesting to us. They were new, near, and valuable neighbors, with whom we must have relations, and with whom there could be no doubt it was desirable that these should be the relations of peace, of friendship, and mutual good understanding. Upon this point, the people of the United States were in advance of Congress—he did not speak hastily—the public sentiment was in advance of Congress, and Congress was in advance of the Executive. The missions were not instituted, until this House, by a resolution, passed with almost unexampled unanimity—(but one member voted against it, a gentleman from Virginia, not now a member,)—until this House, stimulating the Executive to open the intercourse, pledged itself to support him in the measure, and offered a liberal provision for the expense. There has been no expression since of a wish to abandon or to limit that intercourse. Whatever may be the expense of those missions to the new States, all who read the newspapers, and know any thing of the nature of our commercial intercourse with them—all who know how they are solicited, courted, and caressed, by the European powers, and the struggle that is carried on for their favor—to say nothing of other and more general considerations—will see the importance of cultivating good feelings and maintaining a good correspondence with them; and that we cannot neglect these things, without risking the loss of valuable advantages. His own clear opinion was, that we ought to admit no fair exertions to preserve them, and that the missions ought to be maintained. He thought them of the greatest consequence. Remarks had been made upon the style of our foreign Ministers, their dress particularly. Why, said the gentleman from Virginia, (Mr. FLOYD,) not let him appear with the simplicity of Franklin and Livingston? The House would excuse a word in reply. He (Mr. S.) knew nothing of the simplicity of Mr. Livingston. That gentleman was not near to the time Franklin. He was appointed to France soon after Mr. Jefferson became President, he believed in 1801. But this he did know, from the best information, that he was a gentleman of large fortune, and liberal disposition, accustomed everywhere to a liberal way of life, and that the liberality of his style of living in France, was such as most materially, as he had understood, to encroach upon, and reduce his private fortune. In what dress he appeared at Court he could not say; but he took it for granted he accommodated himself in that respect to the fashion of the Court. As to Franklin, he said, consider the circumstances under which he appeared in France. The Representative of a young republic, just come into existence, and in its very cradle ex-



hibiting Herculean strength, by maintaining, single-handed, a contest for its independence with one of the strongest nations that existed; attracting the earnest attention of the whole civilized world, and especially engaging the attention and the good wishes of France, because the contest was with her habitual enemy, and promised to diminish his power. When a nation, so circumstanced, shall have a Franklin for her envoy, I do not believe it will be very material to inquire what dress he wears. To that state we shall never return. And, I may be allowed to add, we have not Franklins to send. He carried with him the fruits of more than seventy years, devoted, with the aid of extraordinary natural genius, and especially of the most uncommon sagacity, to the acquisition of knowledge, and with the great reputation he had justly acquired, by diffusing the treasures of his wisdom and observation. He was known for his examination before the House of Commons: he was known for the fierce and virulent obloquy that had been heaped upon him (for he, too, was visited with obloquy) by Wedderburne, afterwards Lord Loughborough, before the Privy Council; he was known as a man of letters, as a scientific philosopher, and, what is more, as a practical philosopher, too; and he was known as a statesman and as a patriot. His fame had gone before him—it shed a lustre upon his country, wherever there were men who could appreciate his merit, and that lustre is still undiminished. I do not exactly know what coat he wore. It is somewhere recorded, that, in French society, his straight-combed, venerable locks, and simple dress, were admired by the ladies, who then gave the tone to society. It was something strange, out of the common way, and if it had been even uncouth, it might have attracted still more attention. How he appeared at Court,\* as to dress, I do not remember to have seen particularly stated. He was a long time in France before he was received. His public reception was not till about the time of the treaty.

This livery, however, as it had been reproachfully called—I cannot say I have worn it—but I know what it is—and have heard something of his history. Our Ministers abroad are very poorly paid. They cannot bear the expense of Court dresses. If borne by the Treasury, as a contingent expense, it is so much money thrown away. If borne by Ministers, it makes an unreasonable charge upon their allowance. The salaries of our Ministers abroad were higher, by above twenty-six hundred dollars in the time of Franklin, than they are now, though the expenses of living were then probably not more than half of what they are at this time. The present rate of allowance, was fixed as long ago as the year 1784, by an act of the old Congress. How then does the matter

stand? The House will recollect, from a statement made by the gentleman from Massachusetts, that our distinguished fellow-citizen, the late President of the United States, (Mr. Monroe,) was engaged in four missions in the course of little more than a year. Claims growing out of that employment have lately been allowed by Congress. He was led in rapid succession to different Courts, and probably obliged at each to conform to the mode established by etiquette. The expense would be for a single occasion. There are instances of charges allowed by the Government, for the dresses of Ministers for particular occasions. When Mr. Madison was President, and Mr. Monroe Secretary of State, the present plan was adopted as a relief. It is not obligatory upon the Minister. He may dispense with it if he think fit. It is no expense to the Treasury, for the Minister must pay for it himself. But he has the sanction of his country to wear it. As long as it lasts he need make no change. Wherever he goes he is in the dress of his own country, and stands upon his own ground, instead of being obliged to conform to foreign fashions. It has been spoken of as costing seven hundred and fifty dollars. That is too high. It costs something more than half that sum; but the Minister pays for it, not the Treasury. Why call it reproachfully, livery? It is no more of a livery than the coat of an officer of the Army or the Navy—it is probably not finer than the coat of a general officer. If it be a livery, is there any disgrace in wearing it? We are all servants of the people—they are our masters—the livery worn by their servants is one which no man need be ashamed to wear. It is the livery of the people of the United States. This is understood to be the history of the coat. If any one within the sound of my voice should hereafter be appointed a Minister—my advice may be of little value—but I recommend him to put on the livery of his country.

Of that mission, he said, which had also been alluded to, in which he had the honor to have a part, the mission to Panama, he should always have difficulty in speaking, for very obvious reasons. At this time, it was impossible he should enter into the subject, because the mission was still pending, in the hands of our Minister at Mexico. He would say, however, in reply to the allegations which had been made against it, that the mission had the clear sanction of all the branches of the Government. What has since occurred, could neither make it right or wrong: it stood upon the same footing as at first. If it was right then, it cannot be wrong now. But he would say—and he said it with the utmost sincerity, it was but the humble opinion of an individual—he would say, from all that he had seen, and all that he had heard, that, if the Congress should assemble at Tacubaya, or elsewhere, it was of the greatest importance to the interests of the United States that we should be represented in it. He was not about to debate the matter. He merely

\* It is believed, upon good authority, that he appeared in a full court dress. The character of this eminent man would lead us to believe, that he would, in this respect, conform to the usages of the Court.—*Note by Mr. A.*

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gave this as his own single, humble, perhaps valueless opinion.

[The House adjourned to Monday.]

MONDAY, February 4.

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The House proceeded to the consideration of the resolutions of Mr. CHILTON, as proposed to be amended by Mr. BLAKE, and Mr. HAMILTON.

Mr. BUCHANAN said, perhaps it would be vain to inquire by whom this debate was introduced. It is certain that we have now got into it, and no gentleman can predict when it will close. I cannot agree with the gentleman from Massachusetts, (Mr. EVERETT,) that the Opposition are justly chargeable with its introduction in the party form which it has assumed, nor for its protracted character. My friend from Kentucky, (Mr. LETCHER,) has truly stated what would have been the probable course of the resolutions, had it not been for the interference of the gentleman from Maryland, (Mr. BARNEY.) The mover of them, who is a young member of the House, would have made a speech in favor of their passage, and they would have then rested quietly with the numberless resolutions which have gone before them. The gentleman from Maryland, however, opposed their passage, upon the ground that no cause existed even to suspect the present Administration of any abuses. From that moment the debate assumed a party complexion.

This debate would have ended on Thursday last, after the solemn appeal for that purpose, which was made to the House by the venerable gentleman from Louisiana, (Mr. LIVINGSTON,) had not the gentleman from Massachusetts himself prevented it, by moving an adjournment. That gentleman ought to know, that he can never throw himself into any debate without giving it fresh vigor and importance.

It is true that a single straggler from the ranks of the Opposition introduced these resolutions, but without the least intention of bringing on a general engagement. When he was attacked, he defended himself in gallant style, and we were obliged both by duty and by policy to sustain him. It is for that purpose I have risen. The gentleman from Massachusetts, (Mr. EVERETT,) and my friend and colleague from Pennsylvania, (Mr. SERGEANT,) have entirely changed the character of the debate, and have gone into an elaborate vindication of the present Administration. It is my purpose to reply to their arguments.

Liberty, sir, is a precious gift, which can never long be enjoyed by any people without the most watchful jealousy. It is Hesperian fruit, which the ever-wakeful jealousy of the people can alone preserve. The very possession of power has a strong—a natural tendency, to corrupt the heart. The lust of dominion grows with its possession; and the man who, in humble life, was pure, and innocent, and

just, has often been transformed, by the long possession of power, into a monster. In the Sacred Book, which contains lessons of wisdom for the politician as well as for the Christian, we find a happy illustration of the corrupting influence of power upon the human heart. When Hazael came to consult Elisha, whether his master, the King of Syria, would recover from a dangerous illness, the prophet, looking through the vista of futurity, saw the crimes of which the messenger who stood before him would be guilty, and he wept. Hazael asked, "Why weepeth my Lord?" The prophet then recounted to him the murders and the cruelties of which he should be guilty, towards the children of Israel. Hazael, in the spirit of virtuous indignation, replied—"Is thy servant a dog that he should do this thing?" "And Elisha answered, the Lord hath shewed me, that thou shalt be king over Syria." This man afterwards became king, by the murder of his master, and was guilty of enormities, the bare recital of which would make us shudder.

The nature of man is the same under Republics and under Monarchies. The history of the human race proves, that liberty can never long be preserved, without popular jealousy. It is the condition of its enjoyment. Our rulers must be narrowly watched. When my colleague advanced the position which he did, he could not have foreseen the consequences to which his doctrine would lead. I know that he never could have intended that it should reach thus far; but yet my inference is perfectly fair when I declare that it is a doctrine which only suits the calm of despotism. It is the maxim of despots, that the people should never inquire into the concerns of Government. Those who have enslaved mankind, from Cæsar to Bonaparte, have always endeavored, by presenting them with amusements, and by every other means in their power, to attract the attention of the people from the conduct of their rulers. I therefore differ, *totò calo*, from my colleague upon this point. If the resolutions of the gentleman from Kentucky, (Mr. CHILTON,) shall have the effect of more earnestly and more closely directing the attention of the people to the concerns of the Government, the result will be most fortunate. If the Government has been administered upon correct principles, an intelligent people will do justice to their rulers; if not, they will take care that every abuse shall be corrected.

My colleague used an argument, for the purpose of sustaining the present Administration, which I should not have expected from that quarter. He has stated that, since the year 1816 the national debt had been reduced, from 126 to 66 millions of dollars. This is very true; and from the argument of the gentleman, one who was ignorant of the subject might be induced to believe, that a large portion of this reduction may be fairly attributed to the present Administration. He evidently endeavored to make this impression upon the House.

I would ask the gentleman what agency had the present Administration—nay, what agency could they possibly have had, in the reduction of the public debt? Are they entitled to the least credit upon that account? Certainly not. It was a subject over which they had no control. The laws which brought the revenue into the Treasury, out of which the debt was paid, existed long before they came into existence. Commerce wafted into our ports wealth from all nations, and the duties which were collected on the importation of foreign merchandise, they were bound to apply to the extinguishment of the demands which existed against the country. The Administration only did that, which they could not have avoided doing. The money flowed into the Treasury without their agency, and they applied that portion of it which they were bound by law to apply, to the extinguishment of the public debt. I have hitherto admitted, that they applied it fairly. The ancient British monarch, who, to show his people the impotence of human power, commanded the tides of the ocean not to flow, had no more authority over the laws of nature, than the present Administration could have had, in preventing the tide of wealth, out of which the public debt has been reduced, from flowing into the country. Men can never be entitled to credit for doing that which they could not have avoided. The praise, therefore, which the gentleman wishes to bestow upon the present Administration, for paying the national debt, is certainly not their due.

It is true that, in times like the present, the Republic is always most in danger. When the clouds of adversity are lowering over the country, and when direct taxation becomes necessary for the support of the Government, the people are watchful and jealous, and will then attend strictly to their own concerns. It is in the halcyon days of peace and prosperity, when the jealousy of the people slumbers, that abuses are most likely to steal into the administration of your Government. I charge not the present Administration with corruption; but I do most solemnly believe, that several of their measures have had a strong tendency towards it. I thank Heaven that, in these days, a "Military Chieftain" has arisen, whose name is familiar to the lips of even the most humble citizen of this country, because his services live in their hearts, who will be able, by the suffrages of the people, to wrest the power of this Government from the hands of its present possessors. No one else could, at this time, have successfully opposed the immense patronage and power of the Administration.

I think I have shown, that the present Administration have not the least claim to merit, for the payment of the public debt. It is a claim which has no foundation upon which to rest. It is one of the splendid generalities to which my colleague has resorted, which, when you come to examine minutely, vanishes from the touch.

I shall now leave my colleague from Pennsylvania, but with the intention of returning to him, after I shall have disposed of some of the arguments of the gentleman from Massachusetts, (Mr. EVERETT.) Before, however, I commence my reply to that gentleman, I beg leave to make a few observations upon the last Presidential election. I shall purposely pass over every charge which has been made, that it was accomplished by bargain and sale, or by actual corruption. If that were the case, I have no knowledge of the fact; and shall therefore say nothing about it. I shall argue this question as though no such charges had ever been made. So far as it regards the conduct which the people of the United States ought to pursue, at the approaching election, I agree entirely with the eloquent gentleman from Virginia, (Mr. RANDOLPH,) (I cannot with propriety call him my friend,) that it can make no difference whether a bargain existed or not. Nay, in some aspects in which the subject may be viewed, the danger to the people would be the greater, if no corruption had existed. It is true, that this circumstance ought greatly to influence our individual opinions of the men who now wield the destinies of the Republic; but yet the precedent would be at least equally dangerous, in the one case, as in the other. If flagrant and gross corruption had existed, every honest man would start from it with instinctive horror, and the people would indignantly hurl those men from the seats of power, who had thus betrayed their dearest interests. If the election were pure, there is, therefore, the greater danger in the precedent. I believe, in my soul, that the precedent, which was established at the last Presidential election, ought to be reversed by the people, and this is one of my principal reasons for opposing the re-election of the present Chief Magistrate.

Let us examine this subject more closely. General Jackson was returned by the people of this country to the House of Representatives, with a plurality of electoral votes. The distinguished individual who is now the Secretary of State, was then the Speaker of this House. It is perfectly well known, that, without his vote and influence, Mr. Adams could not have been elected President. After the election, we beheld that distinguished individual, and no man in the United States witnessed the spectacle with more regret than I did, descending,—yes, sir, I say descending—from the elevated station which you now occupy, into the cabinet of the President whom he had elected.

"Quantum mutatus ab illo."

In the midnight of danger, during the darkest period of the late war, "his thrilling trump had cheered the land." Although among the great men of that day there was no acknowledged leader upon this floor, yet I have been informed, upon the best authority, that he was "*primus inter pares*." I did wish, at a future time, to see him elevated still higher. I am

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one of the last men in the country who could triumph over his fallen fortunes. Should he ever return to what I believe to be correct political principles, I shall willingly fight in the same ranks with him as a companion—nay, after a short probation, I should willingly acknowledge him as a leader. What brilliant prospects has that man not sacrificed!

This precedent, should it be confirmed by the people at the next election, will be one of most dangerous character to the Republic. The election of President must, I fear, often devolve upon this House. We have but little reason to expect, that any amendment, in relation to this subject, will be made to the constitution in our day. There are so many conflicting interests to reconcile, so many powers to balance, that, when we consider the large majority in each branch of Congress, and the still larger majority of States, required to amend the constitution, the prospect of any change is almost hopeless. I believe it will long remain just as it is. What an example, then, will this precedent, in the pure age of the Republic, present to future times! The people owe it to themselves, if the election must devolve upon this House, never to sanction the principle that one of its members may accept from the person whom he has elected, any high office, much less the highest in his gift. Such a principle, if once established, must, in the end, destroy the purity of this House, and convert it into a corrupt electoral conclave. If the individual to whom I have alluded, could elect a President, and receive from him the office of Secretary of State, from the purest motives, other men may, and hereafter will, pursue the same policy, from the most corrupt. "If they do these things in the green tree, what shall be done in the dry?" This precedent will become a cover, under which future bargains and corrupt combinations will be sanctioned; under which the spirit of the constitution will be sacrificed to its letter.

I shall now, Mr. Speaker, enter upon a more particular reply to the arguments of the gentleman from Massachusetts, (Mr. EVERETT.) I wish I were able to follow the example of the gentleman from Virginia, (Mr. RANDOLPH,) and to take the general and comprehensive views of political subjects, which he recommended. As I cannot pursue that course, I must enter into detail, and make such a speech as he would attribute to a lawyer.

What was the first important act of the present Administration? No, not the first, but the first after that message which certainly partook much more of the spirit of the "Statesman of 40 years," who had been bred in foreign courts, than that of the plain simple American Republican. The President claimed the power, and mere courtesy prevented him from exercising it, of commissioning Ministers to attend the Congress of Panama, without "the advice and consent of the Senate." My friend from North Carolina, (Mr. CARSON,) was, in my

opinion, correct, when he declared that one of the first important acts of the President had been, to claim a power in direct violation of the constitution. That instrument declares that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law." This is a clear, plain provision. Upon what authority, then, did the President claim the right to send Ministers to this Congress without the consent of the Senate? The gentleman from Massachusetts (Mr. EVERETT) has answered the question, and has sustained this claim of power, by a most novel argument. He has read to us the act of Congress of July 1, 1790, which provides "that the President of the United States shall be, and he hereby is, authorized to draw from the Treasury of the United States, a sum not exceeding forty thousand dollars, annually, to be paid out of the moneys arising from the duties on imports and tonnage, for the support of such persons as he shall commission to serve the United States in foreign parts, and for the expense incident to the business in which they may be employed." How, commission? Without the advice and consent of the Senate? Certainly not; unless you can suppose that the very first Congress under the constitution, deliberately intended to destroy the power which the constitution had wisely conferred upon the Senate. The language of the act of Congress is perfectly consistent with the power of the Senate; because the President does, in fact, always commission public Ministers and other officers of the Government, after the Senate have advised and consented to their appointment. This phraseology was continued, in the several acts providing the means of intercourse between the United States and foreign nations, until the year 1800, when the act of the 19th of March, 1798, the last in which it had been used, was suffered to expire. Since that time, no such expression has ever been introduced into any of the subsequent acts. And yet this phrase, which had been employed in acts that have long ceased to exist, was laid hold of by the President to justify this extraordinary claim of power. Whilst it affords no ground for its justification, it shows how desirous men in power are to lay hold of every pretext, no matter how trifling, to extend their authority. This is a law of nature, which can never be abolished by any law of man. It proves, conclusively, the wisdom and the necessity of watching over our rulers, with a jealous eye.

I shall now proceed to assail another position of the gentleman from Massachusetts, (Mr. EVERETT.) He argued against including in the resolutions before the House the contingent expenses of foreign intercourse. The gentleman shakes his head. He certainly did say, that it

looked like trenching upon the prerogatives of the Executive. The gentleman believes that the expenditure of the contingent fund for foreign intercourse, is a prominent point before the House. I think so too.

The application of this entire fund is left to the sound discretion of the Executive, and is to be accounted for at the Treasury, in a twofold manner. It is his duty to account specially, and produce regular vouchers, "in all instances, where the expenditure thereof may, in his judgment, be made public." When that is not the case, he settles the account, "by making a certificate of the amount of such expenditures as he may think it advisable not to specify." This last is called the secret service money. This is the distinction between the two portions of the fund. It is necessary for the good of the people, that the manner in which the secret service money is expended, should not be made public. If the names of those persons to whom it is given were not kept secret, the Government, in times of peril, might be prevented from getting important information, which they could otherwise obtain. But, Mr. Speaker, give me the Administration which requires but little secret service money, especially in time of peace. Indeed, I am inclined to believe, that none is then necessary. A Republican Government ought to be open in its conduct, and have as few secrets as possible. Upon one occasion, Jefferson returned the entire contingent fund, which had been appropriated for foreign intercourse, untouched. I am just informed by the gentleman from Virginia, (Mr. RANDOLPH,) that Washington did the same. These are examples well worthy of imitation in our day.

I do not wish to know the manner in which the present Administration have applied the secret service money. I shall never knowingly invade a single right which belongs to the Executive. These resolutions contain no such principle; but one great reason why they have found any favor in my eyes, is, that I wish to ascertain the aggregate amount, not the items, of the secret service money which has been expended since the present Administration came into power, and I wish to have a special account laid before this House, of the manner in which the residue of the contingent fund for foreign intercourse has been expended. This will be an invasion of no prerogative which belongs to the President.

I now approach the main argument of the gentleman from Massachusetts, (Mr. EVERETT,) and in the commencement, I shall lay down a position broadly, which I believe I shall be able to prove conclusively—that the President of the United States did receive an outfit of \$9,000, whilst he was a Minister abroad, in direct and palpable violation of a law of the United States; and that at this day he retains in his pocket one-half of that sum, in opposition to the declared opinion of the Congress of the United States. If I shall not establish this

proposition, I have never been more mistaken in my life.

In relation to outfits to be granted to public Ministers, all the acts of Congress which preceded that of the 1st May, 1810, spoke the same language. The gentleman from Massachusetts (Mr. EVERETT) gave us an historical sketch of these laws; but, as they are all the same in regard to the question I am now about to argue, I shall only refer to the act of the 10th May, 1800. It was that act, which ascertained the compensation of public Ministers, from its date, until it was repealed by the act of 1st May, 1810. I shall read its first section.

"*Be it enacted, &c.* That exclusive of an outfit, which shall, in no case, exceed the amount of one year's salary to any Minister Plenipotentiary, or Chargé des Affaires, to whom the same may be allowed, the President of the United States shall not allow to any Minister Plenipotentiary a greater sum than at the rate of nine thousand dollars per annum, as a compensation for all his services and expenses; nor a greater sum for the same, than four thousand five hundred dollars per annum to a Chargé des Affaires; nor a greater sum for the same than one thousand three hundred and fifty dollars per annum to the Secretary of any Minister Plenipotentiary."

From the origin of the Government, until the year 1810, the President clearly had the right to allow an outfit to a Minister, whom he might think proper to transfer from one European Court to another. The language of the act of 1800, and of the previous acts is general and indefinite. Whether they would have justified him in making such an allowance, to a Minister whom he might have employed upon a new mission, the functions of which were to be exercised at the court where he resided, is a question upon which I shall express no opinion.

The act of 1810 limited the general language of that of 1800, and confined the discretion of the President, in the allowance of outfits, to the case of a Minister "on going from the United States to any foreign country." The first section of that act, after fixing the annual compensation of foreign Ministers, Chargés, and Secretaries of Legation, contains the following enactment: "Provided, it shall be lawful for the President of the United States to allow to a Minister Plenipotentiary, or Chargé des Affaires, on going from the United States to any foreign country, an outfit, which shall in no case exceed one year's full salary of such Minister, or Chargé des Affaires." This act, in express terms, limits the general expressions of former laws. It authorizes the President to allow an outfit to every public Minister, upon his first appointment, for the purpose of establishing him abroad. After he has received one outfit, and has gone from the United States to the Government to which he has been sent, in case he should be transferred from it to another Government, the President, since the act of 1810, has not had the power of allowing him a second outfit.

I am glad that the gentleman from Massa-

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chusetts (Mr. EVERETT) cited the cases which he has done, of the allowance of outfits to Ministers, by the Executive, upon transferring them from one European court to another. If the gentleman had not done so, we might have been at a loss to account for the change of phraseology in the act of 1810, and the difference between it and all former acts upon the same subject. The case of the outfit to Mr. Monroe, from his transfer from England to France, and all the other cases brought into the view of the House by the gentleman, were determined, under former laws which clearly gave to the President power over the question. These cases are authorities against the gentleman; because they exclusively show the reason which guided the Legislature, in 1810, in changing the law, and in limiting the power of the President, in the allowance of outfits to the case of Ministers, on their departure from the United States to a foreign country.

I may be asked, did Congress mean to declare, that no outfit should ever be allowed upon the transfer of a Minister from one Court to another? I answer, by no means. They intended to reserve to themselves the power of deciding, in each particular case, whether any new outfit ought to be allowed, and, if so, what should be its amount. If a Minister should be transferred from one extremity of Europe to another — from Lisbon to St. Petersburg, a new outfit of \$9,000 might be necessary. But, in the case of a transfer from Lisbon to Madrid, there might be no occasion for any new outfit; and, if there were, the one-half of a full outfit, or even less, would probably be sufficient. The present Administration, in the estimates which they submitted to this House, at the last session of Congress, asked a second outfit of \$9,000 for our Minister at Mexico, because they intended to transfer him from the City of Mexico to Tacubaya, a distance of only eight or nine miles. Although I did not think it proper to allow a full outfit, in such a case, yet I was glad that the request had been made; because it showed that the Executive were returning to a correct construction of the law, in relation to this subject. It showed that the President was unwilling to follow the precedents which existed heretofore, upon the transfer of a Minister from one court to another; or otherwise he would have allowed him an outfit, without consulting Congress.

In my judgment, the act of 1810 is so plain, that he who runs may read. It is a universal rule of construction, that when a law delegates a special power to an individual, and confines its exercise to a particular cause, that it necessarily excludes him from the exercise of general power over all other cases. The act of Congress gave to the President the special power of allowing an outfit to a Minister, when he was leaving the United States and going to a foreign country; but yet, that act has received such a construction, that the Executive have claimed and exercised the power of allow-

ing outfits, in all cases, without limitation, and without restraint. For this purpose, the contingent fund is used, in violation of the law.

It will not only be curious, but instructive, to mark the gradual progress of the Executive, until at length they repealed the act of 1810. In the month of April, 1818, the present President, then being our resident Minister at Russia, was appointed one of the Envoys Extraordinary, under the joint commission, to treat with England. As this commission owed its origin to the mediation of the Emperor of Russia, the seat of the negotiation was to be at St. Petersburg. A short time after the appointment, Mr. Monroe, then Secretary of State, transmitted to Mr. Adams, \$9,000, a full outfit; although, at the time, it was not contemplated that Mr. Adams should change his residence. The House will, therefore, observe, that this was not even the case of a transfer from one court to another; but it was the allowance of a full outfit to the same Minister, while he continued at the same court. The then President, when he directed the money to be sent, no doubt expected that Congress would sanction his conduct. Accordingly, we find that an appropriation was asked to cover this outfit. The question was then brought before the Congress of the United States, for their determination, and was deliberately decided. A legislative construction was given in August, 1816, to the act of 1810, against this outfit; but Congress, exercising a liberal discretion, allowed Mr. Adams \$4,500 instead of \$9,000.

Some time after this determination of the question, (too long perhaps,) on the 23d June, 1814, Mr. Monroe wrote to Mr. Adams, in the following words: "It is necessary to apprise you, that, although a full outfit was transmitted to you by the Neptune, and intended to be allowed you by the Executive, as a member of the extra mission at St. Petersburg, yet the Legislature, on a reference of the subject to them, for an appropriation, decided the principle by the amount appropriated, and the discussion which took place at the time, that half an outfit only could be allowed to a Minister, under circumstances applicable to your case. In your drafts on the bankers, and in your future accounts, you will be pleased to keep this deduction in view." After the present President had thus discovered that the money was sent to him by mistake, did he submit to the decision of Congress? No, sir. Although, within the period of eight years, before his return to this country, he had received \$115,000 from this "penurious Government;" yet he still continued to persist in retaining the whole outfit in his pocket. Congress gave a construction to their own law. They believed it had been violated, when an outfit of \$9,000 was sent by the President to Mr. Adams; yet they liberally allowed him \$4,500. Instead of accepting that sum with gratitude, he made a complaint against this "penurious Government," and denied the right of the Legislature of the Union to interfere.

He declared "that the principle which Congress would settle, by an ultimate refusal to allow the appropriation, could be no other than a principle to confiscate, without any alleged offence."

The next year, however, conveyed him good tidings from this country. On the 19th November, 1815, Mr. Monroe wrote a letter to Mr. Adams, marked "private," from which the following is an extract: "It was doubted whether the inhibition of a greater sum than one year's salary as an outfit, contained in the terms on going from the United States, might not be construed, as precluding an allowance by way of outfit, to any Minister who did not go from the United States. Mr. Irving's appointment to Spain involved the same question. It was wished to reserve the point for more deliberate consideration, than could be bestowed on it, when the letter of March 15th was written to you. I have now the satisfaction to inform you, that the subject has been maturely weighed, and that the result has been in favor of the outfit, on the principle that those restrictive terms, if applicable to Ministers already in Europe, are no further so, than to confine the allowance to them within the same limit." This letter communicated to him that construction of the Executive Department, which, since it was made, has entirely repealed in practice the limitation upon the allowance of outfits, contained in the act of 1810, and secured to him his full outfit, in opposition to the will of the Legislature, which had been clearly expressed in 1813. From 1810 till November, 1815, this act was obeyed both in its letter and in its spirit. Then, and not till then, did it sink under Executive construction.

The accounts of Mr. Adams continued unsettled at the Treasury, a balance appearing against him, until after the passage of the general appropriation bill, in April, 1822. That act provided "that no money appropriated by the said act shall be paid to any person for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the Treasury, all sums for which he may be liable." In consequence of the existence of this salutary provision, the Comptroller of the Treasury refused to pay Mr. Adams his salary as Secretary of State, until his account, as a Foreign Minister, should be liquidated. He appealed from this decision to Mr. Monroe, the then President, and, in support of his appeal, cited the private letter which Mr. Monroe, when Secretary of State, had written to him in November, 1815, as conclusive of the question. In this appeal, he says, "that the President was authorized, by the first section of the act of Congress, of 1st May, 1810, to make this allowance, cannot be questioned, under the construction which has uniformly been given to it, a construction applied upon full deliberation and advisement, and which has been admitted in other cases upon the settlement of accounts at the Treasury. For this construction, I refer to the copy of

your letter of the 19th November, 1815, herewith submitted."

This subject was referred, by the President, to the Attorney-General of the United States, and the construction which had been placed upon the act of Congress, by the Administration, in 1815, was fully sustained, in the broadest terms, by that officer. In his opinion, dated June 5th, 1822, he declares, that the question of outfit is given to the President, exclusively, and without limit, save only he is not to exceed a whole year's salary." And thus, sir, you perceive in what manner a law, which, in express terms, limited the exercise of the discretion of the President, in the allowance of outfits to Ministers "on going from the United States to a foreign country," has become unlimited; and how the exclusive power over the question of outfit has been conferred upon the President. Notwithstanding this high authority, however, I think I have maintained my proposition, and established, conclusively, that Mr. Adams now retains in his pocket \$4,500, in violation of the act of 1810, and in violation of the solemn legislative construction which it received in 1813.

But, says the gentleman from Massachusetts, (Mr. EVERETT,) even if there were any thing wrong in the settlement of the accounts of Mr. Adams, he is not to blame. He did not interfere—he left all these matters to the accounting officers of the Treasury. Is this the fact? Did he not receive the money, and does he not still retain it? Did he refuse to refund it, when it was demanded by the Comptroller? Did he not appeal from the decision of that officer to the President of the United States? And was not his refusal to comply with the decision of Congress the cause why the act of 1810 has received that construction, which has given to the President "exclusively, and without limit," the power over outfits?

There is one matter of fact which I wish to put right, before I proceed further. Mr. Adams, in his account, on the 30th June, 1814, charged the sum of \$886 86, the expenses of a journey from St. Petersburg to Ghent. It is but just to him to say, that he had left his family behind him, at St. Petersburg. He never did return from Ghent to St. Petersburg; but, yet, there was allowed to him the sum of \$886 86, for his expenses in returning to that capital. This is what has been so often called his constructive journey. The construction, however, did not end here. After this allowance had been made, it was discovered that the travelling expenses of Mr. Bayard and Mr. Gallatin, from St. Petersburg to London, and from thence to Ghent, amounted, for each, to the sum of \$1,556 54. Their journey was accomplished chiefly by land. In the final settlement of the account of Mr. Adams, instead of \$886 86, which had been at first allowed to him for the expense of a journey which he never made, he was allowed the sum of \$1,556 54. The reason for this change which is spread upon the face of

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the account itself, is, that he was at first allowed but \$886 86 "under an impression that the same sum, charged by him for the journey from St. Petersburg to Ghent, would be equal to the expenses of his return, but which now appears, would not have been the case, as that journey was made chiefly by water, but his return must have been by land, and by the same route as that taken by Messrs. Gallatin and Bayard, and equally expensive."

These are the facts. I shall not argue this point, but will leave it to my colleague and friend from Pennsylvania, (Mr. INGHAM,) and the gentleman from Rhode Island. I do not say that some allowance ought not to have been made to Mr. Adams, under the peculiar circumstances of the case. One thing, however, is certain; that he did receive \$1,556 54, for the expenses of a journey which he never made; because he never did return from Ghent to St. Petersburg.

[Here Mr. RANDOLPH asked Mr. BUCHANAN to define what was a constructive journey.]

Mr. B. said, I cannot comply with the request of the gentleman from Virginia. If he cannot define it himself, no man in this House can.

But, it has been urged by the gentleman from Massachusetts, (Mr. EVERETT,) that precedents sanction the allowance of the outfit to Mr. Adams. I admit there have been precedents in abundance since 1815; but it is against this very doctrine of "safe precedents," that I am now contending. On the fourth of March next, it will be seven and twenty years since the inauguration of Mr. Jefferson. What has been our history ever since? Each President has nominated his successor as regularly as though the constitution conferred upon him that power. During this period, each President has been called upon to sanction that which he had done as Secretary of State. The line of "safe precedents" has been unbroken, and the first office in the world has passed as regularly to each succeeding Secretary of State, as the imperial crown ever descended from father to son. How is it possible that abuses can ever be corrected, under such circumstances? A trifling departure from the law to-day becomes a precedent for a greater violation to-morrow; and whilst power continues to flow in one unbroken line abuses must still continue increasing. There is no remedy for the people, but by breaking this line of safe precedents. It is this regular course of succession, which in the lapse of time destroys monarchies. The abuses which the father introduces, are sanctioned and extended by the son, until at length, after a few generations, the whole Government becomes tainted with corruption, and there is nothing left for the people, but the dreadful remedy of a revolution. It is the principle against which I am now contending, without a special reference to any particular Administration. The people of the United States have at length determined to break this line of Cabinet succession, and to reverse the doctrine of safe

precedents; and I trust and believe they will accomplish their purpose. Rotation in office—that salutary principle in a Republican Government, which purifies the political atmosphere, and causes the successor to view with a jealous and scrutinizing eye, the acts of those who have gone before him—has had no real existence, in the Federal Government, since the days of Thomas Jefferson. There has been a regular succession ever since. Is an abuse now pointed out? We are at once told, it is sanctioned by a precedent; the Monroes and the Gallatins have done the same thing, and why shall we not do so too? I answer, when the law forbids it, precedents ought to be disregarded. All the precedents which have existed since 1815, although they have violated can never repeal the act of 1810.

I now come to that part of the argument of the gentleman from Massachusetts, (Mr. EVERETT,) which relates to the billiard table. I should not have said one word upon this subject, did I not differ entirely in relation to it, from the gentlemen from Virginia and South Carolina, (Mr. RANDOLPH and Mr. HAMILTON.) I admit that the expenditure of fifty dollars is a very little matter and this has ever been the opinion of my friend from North Carolina, (Mr. CARSON,) who has been so often introduced into the debate. If there be any gentleman in the House, who regards fifty dollars less than he does, I do not know the man. The question worthy of our consideration, is, not whether the price of the billiard table was paid out of the public Treasury, or out of the private purse of the President; but whether the billiard table ought to be set up, as an article of furniture, in the House of the President of the United States? I am free to say, I think it ought not. In the State of Virginia billiard tables are prohibited even in the mansions of private gentlemen under very severe penalties. The gentleman from Virginia therefore cannot indulge in this game at home: for I know him too well to believe that he would violate the laws of his own State. This shows the moral sense of the people of that ancient and respectable Commonwealth in relation to the game of billiards. To use a familiar expression of their own, they do not go against either the exercise or the amusement of the play; but they know the temptation which it presents to gambling, and the consequent ruin which must follow in its train. It has a direct tendency to corrupt the morals of our youth. Indeed, I doubt whether there be a single State in the Union which has not prohibited the game of billiards. The people of the United States are generally a moral and religious people; a proper regard, therefore, for public opinion, for the scruples of the pious, ought to have prevented the first Magistrate of the Union from setting such an example. [Here Mr. RANDOLPH observed there was no law in the District of Columbia against playing billiards.] Mr. BUCHANAN then said the President of the United States is not only the



President of the District of Columbia but of the whole American people; and they condemn this and every other species of gambling. Ought, then, the man who has been elevated to the most exalted station upon earth, and whose example must have a most powerful and extensive influence upon the morals of the youth of our country, to set up a billiard table as an article of furniture, in the house which belongs to the American people? He certainly ought not to keep such an article of furniture in that house, nor ought he there to play at the game. I should never have invaded his domestic retirement for the purpose of discovering whether he kept a billiard table or not. I should never have been the first to bring this matter, either before the House, or the country. It has been brought here by others, and I felt it to be my duty to express my opinion upon the subject.

I shall now approach another branch of my colleague's argument. I fully assent to his general proposition, that it is both our duty and our interest to cultivate friendly relations with every civilized nation; and for that purpose we should interchange with them Ministers and diplomatic agents. Our Ministers, when sent to a foreign court, should remain there, and not return home at the end of the year. The question upon which I would say, I should join issue with the gentleman, did this expression not "smell of the shop," is in what manner ought our Ministers to appear abroad? Ours is the only pure Republican Government upon the earth. All our habits and our manners ought to be congenial to the simplicity and dignity of our institutions. Among men of sense abroad, our Ministers attired in the style of country gentlemen, would be more respectable, and more respected, than if they were bedizened in all the colors of the rainbow. In every attempt to ape the splendor of the representatives of monarchical Governments, we must fail. The veriest menial of the most contemptible court in Europe who appears abroad in the character of a foreign Minister, will be able to eclipse in dress and finery, the representatives of the American people.

What was the example of the ancient Romans? In the days of their purity and their greatness did they ever attempt to vie with the splendor of the Asiatic despots whom they subdued? Did they send ambassadors to the East, clothed in gorgeous apparel? No, they went in the simple dignity of Roman citizens, clothed with the majesty and power of the Roman people: and they carried respect for the Roman name, wherever they went. It was upon this model that Dr. Franklin acted, when he appeared as our Minister at the court of France, in the plain dress of a country gentleman. He would have deserved immortality for this act alone. He set an example from which his successors ought never to have departed.

What is now the case? The last Administration have prescribed a uniform to be worn by

our foreign Ministers. It consists of a military coat, covered, and glittering with gold lace, the cost of which is not less than 500 dollars, and a chapeau and small sword, corresponding with it in splendor! And this dress is what my colleague has called the livery of the American people, which our Ministers ought to be proud to wear! I protest against this dress being called the livery of the American people. It is not so. It is the livery of the last, and the present Administration. No gentleman who valued his standing with the people of this country, would ever appear before them in such a garb. The people of the United States do not even know that such a dress has been prescribed for their Ministers abroad. In many instances it must make us appear ridiculous in the eyes of foreign nations. Imagine to yourself a grave and venerable statesman who never attended a militia training in his life, but who has been elevated to the station of a foreign Minister, in consequence of his civil attainments, appearing at court, arrayed in this military coat, with a chapeau under his arm and a small sword dangling at his side! Is not such a man compelled, by conforming to this regulation, to render himself ridiculous? "A military chieftain," who, in early life, had received his education at West Point, not the old "citizen soldier" who resides upon his farm, might sport a dress of this kind with some degree of grace; but what a ridiculous spectacle would a grave lawyer or judge, of sixty years of age, present, arrayed in such a costume? If the salary of our foreign Ministers be not sufficient to enable them to exercise that liberal, but plain hospitality, which belongs to the character of their country, I say again, let it be increased; but let them never forget in their dress, or in their manners, the simple grandeur which belongs to the character of Republicans. I trust, that ere long, the days of Franklin will again return.

The gentleman has informed us, that it is his opinion we ought to be represented at the Congress of Tacubaya, should it ever assemble. Whatever I may have thought of the Mission, I most heartily approved of the selection of the Minister. For one, I shall never sanction any improper allusions made upon this floor to that gentleman, in relation to this Mission. There is no man in the ranks of the Administration, whom I should rather see promoted, nor is there any man among them more deserving of promotion. If he should ever again go to Tacubaya, I should regret to see him in any dress, but in that of an American gentleman. In that costume, he will infinitely better represent his own character, and that of the American people, than if he were decked out in all the splendid uniform prescribed by the Administration. He will then set an example of plainness and simplicity, which may be useful to the Republics of the South.

The gentleman has awarded the laurel crown, to deck the brow of the Military Chieftain;

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but has decreed the civic wreath to the statesman ripened by the experience of 40 years. He has informed us he was no prophet; and I believe the fates will never confirm his decree. I trust and believe, that the people of the United States will elevate the "citizen soldier" to the supreme magistracy of the Union. In that event, and after he shall have been tried by them, I venture to predict, that their award will entwine the civic wreath with the laurel crown; and that Jackson will live in the history of his country, as the man, of the present age, who was "first in war, first in peace, and first in the hearts of his countrymen." I believe that the annals of the human race will furnish but few examples of men, who were endowed by nature with rare and distinguished military talents, without, at the same time, possessing the capacity for civil command. It would be easy to quote a splendid catalogue of names, in proof of this assertion; but I shall only mention those of Pericles, Cincinnatus, Charlemagne, Alfred, Henry the IVth of France, Napoleon—and, above all, our own unequalled Washington.

TUESDAY, February 5.

The House again took up the resolution on Retrenchment.

Mr. RIVES said, that, in embarking upon the wide ocean of debate which lay before him, he hardly knew from what point to take his departure, or in what direction to steer his course. But, as some chart was indispensably necessary, on so extensive a voyage, he would endeavor to take the resolutions upon the table for his guide, with no other deviations than the stress of antecedent debate should unavoidably force him into. In pursuing this course of discussion, he should very much regret if any thing he might say should excite a single unpleasant sensation in the bosom of any member of the House, or be considered, in any degree, indecorous or disrespectful towards any member of the Government. I may truly affirm, said Mr. R., that I entertain none other than the kindest feelings for every gentleman with whom I have the honor to be associated upon this floor; and towards the members of the Administration, however much I may be politically opposed to them, I have never harbored the slightest sentiment of ill-will or personal antipathy. But, as guardians of the public weal, and sentinels of the public liberty, it sometimes becomes our duty here to speak unpalatable truths. In doing so, I have always endeavored to separate the private from the public characters of persons in office; and while I reserve to myself, at all times, every legitimate freedom of remark upon their official conduct, I hope I shall never say any thing which would be a just cause of personal offence to them or their friends.

In this spirit, I proceed to the consideration of the resolutions upon the table. There are

two features common to all the propositions. They all contemplate an inquiry into the expediency of retrenching the future expenses of the Government, and an examination into its past disbursements. Sir, I am decidedly friendly to both of these objects. But as a means of effecting them, I prefer the resolution recently submitted by my friend from South Carolina, (Mr. HAMILTON,) because it is more specific and practical in its character, and because it proposes to employ the instrumentality of a special, instead of a Standing Committee. Sir, I am persuaded, from the extent and magnitude of the inquiry, that it cannot be satisfactorily conducted by any of the Standing Committees, already burthened with pre-existing duties. I hope, therefore, that the proposition of the gentleman from South Carolina, will receive the support of every one who has the cause of retrenchment really at heart.

Though it is rather old-fashioned doctrine, Mr. Speaker, I am one of those who have the cause of retrenchment really at heart. I believe there is great occasion for it. It is now twenty-five years since there has been any systematic reformation in the organization and expenses of the several Departments of the Government. The reformation I allude to, was at the commencement of Mr. Jefferson's Administration, when it was thorough and complete. Considering the tendency of all Governments to abuse, to the accumulation of unnecessary expenses, and the incumbrance of useless offices, I cannot doubt that there has arisen much since that period which requires correction. The tree of Executive patronage is continually throwing out new shoots and branches, which as constantly call for the application of the pruning-knife.

While the gentleman from Massachusetts (Mr. EVERETT) assented to the general tendency of all Governments to abuse, he said that the abuse to which this Government was most prone, was the abuse of parsimony. Sir, this idea is contradicted by the whole history of the operations of the Government; and a little reflection will, I think, satisfy the gentleman himself that his notion is fallacious. How are the expenses of this Government supplied? By direct impositions upon the great body of the people? No, sir, if this were the case, it would be some check upon the extravagance of the Government. In the State Governments, whenever a new expenditure is authorized, the means of meeting that expenditure must be provided by direct taxation upon the people. The tax-gatherer goes annually to the citizen, and exacts from him his share of the public contributions. If he finds that share greater than it was the year before, he knows by whose act it is so; he demands of his Representative the reason for it; and unless that reason is satisfactory, he dismisses him, and chooses another. It is this direct and undisguised operation of the system of public revenue, under the State Governments, which renders the Representative prac-

tically and constantly responsible to his constituents, and this responsibility is a sufficient security against prodigality in the Government.

But, in this Government, the revenue which supplies the public expenditures, is not drawn into the Treasury directly from the pockets of the people, although they ultimately pay it. They pay it, however, in the shape of an increased price for the commodities they consume; and instead of tracing that increase of price to an act of the Government, they generally look no farther than the merchant with whom they deal. In this way, the imposition is disguised, and the Representative is screened from responsibility. Hence it is, that we vote millions of dollars here, with not so much hesitation or compunction as we vote thousands in the State Legislatures. It is for this reason, that the tendency of this Government, so long as the national revenue is derived principally from external duties, will be to profusion and extravagance; and not, as the gentleman from Massachusetts supposes, to parsimony.

These general considerations sufficiently indicate, to my mind, the necessity of some revision of the expenses of the Government, with a view to retrenchment. But the gentleman from Pennsylvania (Mr. SERGEANT) said, that some basis ought to be laid for the inquiry. What, sir! does the gentleman require actual proof of the existence of abuses? This proof cannot be had without inquiry. If, then, we can take no initiatory measure, for the correction of abuses, without previous proof of their existence; as that proof cannot be had without inquiry, and as, according to the doctrine of the gentleman from Pennsylvania, no inquiry on the subject ought to be made without proof, abuses must ever remain without ever being corrected. The effect of the doctrine is to shelter the abuses of Government with an inviolable sanctuary.

But, sir, the honorable gentleman suggested another reason against this inquiry, which surprises me no less. He said he would not move such an inquiry, because it was calculated to weaken the affections of the people for the Government, (not the Executive Department merely, but the whole Government,) by giving sanction to the idea that there are abuses here. Sir, I would respectfully submit it to that gentleman, whether the affections and confidence of the people will be most weakened by the suppression of inquiry, and thereby producing upon the public mind the impression that we are disposed to connive at, and acquiesce in, abuses, or by pursuing inquiry to show a determination either to purify the Government from abuses, if they exist, or to clear it of the odium, and suspicion of them, if they do not exist.

But, sir, the gentleman from Pennsylvania took still bolder ground. He not only said that there was no sufficient proof of abuses calling for reform, but he attempted to show, that, in fact, there are no abuses, and that the adminis-

tration of the Government is distinguished by extraordinary economy. Sir, how did he make this out? By reviewing the fiscal operations of the Government for the last twelve years, from 1815 to 1827, and exhibiting their accumulated results. He told us that, within that period, seventy millions of the public debt had been paid off, besides maintaining the Army, the Navy, the Civil list, and all the other branches of the public service; and seemed to rely upon this as a conclusive proof of the economical administration of our finances. Sir, the first remark which occurs upon this statement is, that, admitting its sufficiency as evidence of economy, it does not prove, what is the only matter with which we have any concern, that the administration of the Government is, at the present time, an economical one. It could prove only, that, in times past, there has been economy!

But, sir, I waive this objection, and will go back with the honorable gentleman in his retrospect. Is it not a little singular, that, while the gentleman was telling us of the amount of debt which had been paid off, and the expenses which had been met by the Government, as evidence of its economy, it did not occur to him that he ought to have told us something of the means which had been put at its disposal, for the accomplishment of these objects? Economy, sir, is a relative thing; it depends on the proportion between the results which have been accomplished, and the resources which have been furnished for accomplishing them.

Now, sir, what were the resources of the Government during those twelve years, from which the honorable gentleman has collected the results he so fondly displayed to the admiration of the House? Why, sir, more than 300 millions of dollars. During several years of the period included in the honorable gentleman's retrospect, we had direct taxes, and a system of internal revenue; and from those sources, added to the customs, the sales of public lands, and the bank bonus and dividends, the whole revenue which flowed into the public Treasury, from 1815 to 1827, considerably exceeded 800 millions of dollars! Now, sir, with such a fund as this at its disposal, is it proof, either of extraordinary frugality, or of consummate financial skill in the Government, to have paid off 70 millions of the debt, and defrayed its current expenses?

The average annual receipts of the Government, during this period, amounted to more than 25 millions. We will suppose that about 10 millions were annually applied to the principal and interest of the public debt. The ordinary current expenses of the Government may have amounted to about another sum of 10 millions annually; and there then remained a sum of 5 millions to be expended *ad libitum*. How the honorable gentleman can deduce, from these facts, an evidence of the economy of the Government, I cannot conceive.

But, sir, the gentleman from Pennsylvania

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exhibited another view of this subject, for the purpose of showing us how lightly we are taxed for the support of our institutions. He told us that the whole expenditure of the Government, for the year 1826, was 24 millions of dollars, which, assessed upon our twelve millions of population, produces a charge of only two dollars a head, while, according to a statement he made, the taxation of the British people amounts to fifteen dollars a head. Observing, (in passing merely,) that the gentleman has stated the amount of public burthens in Great Britain, enormous as they certainly are, at a higher rate than I have ever seen any authority for, I think I shall be able to satisfy him, that he has put our own much too low. His statement pretermits several important items, which undoubtedly enter largely into our complicated system of public burthens.

He seemed to assume the amount of duties paid to the Government, as the full measures of American taxation. But, sir, this is not so. It is true that the proceeds of the duties are all which the Government receives, but they are not all that the people pay. The merchant, who pays the duties to the Government in advance, must have his profit upon that advance included in the price of the goods; and this profit, repeated and multiplied through a series of exchanges, amounts, at last, to a heavy tax upon the consumer, over and above the amount of duties paid to the Government. The ordinary amount of duties is twenty-odd millions, and the usual mercantile profit, of from 33 $\frac{1}{3}$ , to 50 per cent. upon that sum, would raise the whole charge, imposed by the General Government, to about thirty millions of dollars. But to ascertain the full amount of public burthens sustained by the people of this country, you must also take into the account the taxes imposed by the State Governments, with all their subordinate local jurisdictions, comprehending, besides the general revenue of the State, the county levies, the parish rates, and numerous other public exactions of one sort or another, which have been estimated by a most able statish, as well as statesman, (Col. BAXTON, of the Senate,) at a round sum of twenty millions of dollars more.

We have thus a grand total of fifty millions of dollars, instead of twenty-odd millions, for the amount of public contributions levied upon the people of this country, which, deducting from our population, two millions for slaves, who pay nothing, makes a charge upon the residue, of five, instead of two dollars a head. Now, sir, this does appear to me to be an enormous load of taxation, even for a much older people than we are; and, accordingly, one of the most profound politicians of the old world, the celebrated Talleyrand, (as has been stated elsewhere by the gentleman to whom I have already alluded,) in graduating the actual taxation of different countries, has placed us upon the scale in a middle position between Great Britain, the most heavily taxed, and France, the

next most heavily taxed country, (but for the exception he makes of us,) in the world.

But, sir, the comparison which the gentleman from Pennsylvania made between this country and Great Britain, for the purpose of showing the relative moderation of our public burthens, is obviously unfair, in many respects. The British Government is now nearly eight centuries old, and during that time has been engaged in a long succession of wars, foreign or domestic, which have accumulated upon it an immense mass of public debt. To pay the interest of this debt, and whatever portion of its principal it may, and at the same time to support the cumbrous and expensive establishments which results from its political organization, it must impose upon its subjects a weight of taxation equal to their utmost capacity to bear. But our situation is altogether different. Our national existence hardly extends beyond half a century, and the simplicity of our republican institutions neither requires nor tolerates the costly appendages which belong to other Governments. The public debt of Great Britain amounts, at this moment, to between three and four thousand millions of dollars; an amount more than fifty times greater than our national debt. Now, as the burthens imposed by every Government, must be in proportion to the charges existing upon it, I would ask, with what propriety a comparison can be made between Great Britain and this country, under these widely different circumstances, with a view to test the economy of our Government?

But, sir, I protest altogether against comparisons with foreign Governments. Our institutions, our situation, moral and physical, the genius and habits of our people, are all peculiar. They are *sui generis*. In having the freest Government in the world, we are entitled, by the favor of Providence, to the greatest share of public blessings; and among them, that we should not be subjected to a relentless taxation which takes "from the mouth of labor, the bread it has earned." In what consists the value of a free Government, if it is not that, by the constant influence and control of the will of the people over their rulers, the Government is restrained from oppression, pecuniary as well as personal? Sir, the honorable gentleman from Pennsylvania did not tell us to what a situation the people of Great Britain had been reduced by their public burthens—of the number of their paupers and starvelings—that two-fifths of the whole population of that country were kept alive by being billeted upon the constrained charity of the remaining three-fifths.

Would the worthy gentleman have us esteem ourselves happy, and without any cause to complain of governmental exactions, as long as we can keep within the limit of this extremity of wretchedness? I hope not, sir. I have long thought, Mr. Speaker, if I may venture to express such an opinion, that there is too great a disposition among some of our distinguished

Statesmen to bring our affairs, our policy and our principles, to the standard of foreign Governments. A prominent feature in the celebrated first message of the present Chief Magistrate to Congress, was its perpetual fond recurrence to the proceedings of Foreign Governments, as the lesson of our political duties, and the measure of our political powers. He told us what France, what Russia, what Great Britain had done, and gave us to understand that we should go and do likewise. Now, sir, to all this I object, as anti-American—as anti-Republican. Our circumstances and our institutions are peculiar, and so too should be our policy.

But, sir, to return to the subject of our public expenditures. I would say to the honorable gentleman from Pennsylvania, that the true mode of testing the economy of our Government, at any given period, is not to compare its expenses with those of a foreign Government, but with its own at some antecedent period. Now, sir, if we do this we shall find that, during Mr. Jefferson's Administration, in 1802, for example, the whole expenditures of the Government, exclusive of the payments of the public debt, amounted to \$3,737,907; while the same class of expenditures during the year 1826, according to the last Treasury report, amounted to \$18,062,316. Here, then, we have an increase of expenditure equal to 350 per cent. in less than 25 years, which, after making every allowance for the growth of the country, and the expansion of its institutions, does seem to me to be disproportionate and extravagant.

Sir, I have dwelt the longer upon these views, because I have a deep and settled conviction; that economy is a cardinal virtue in every Republican Government. It is not merely for the pecuniary saving, and the consequent relief to the industry and resources of the people, which it brings with it, that I esteem it. It is still more for its political effects. It is not only the close ally, but the surest guarantee of the public liberty. It is the great instrument for restraining that dangerous principle of Executive influence, which is perpetually undermining and assailing the fabric of free Government everywhere, and of our own not less than others. This influence exerts and enlarges itself through the disbursements of public money, ultimately under one shape or another. Diminish the public expenditure, then, and you at the same time diminish Executive influence.

Sir, I may have fears upon this subject, which firmer minds can and do repel; but it has long been my opinion, that there is a decided tendency in our Government to a dangerous and disproportionate accumulation of power in the Executive branch, and that Monarchy is the euthanasia of our political system. Gentlemen who treat these fears as altogether visionary, and those especially, who, like the distinguished member from Pennsylvania, consider patronage a disadvantage, rather than an aid to an Administration, have not, I am persuaded, ex-

plored the full extent and range of this powerful engine, in the magnitude which it has, at present, attained. Having been led, by particular circumstances, during the last session of Congress to look into this subject, I will repeat here the result of an investigation then very carefully made. Many persons have hastily supposed that the patronage of the Executive consisted exclusively in appointments to office. But an equally, if not more important branch of patronage, consists in the disposition of public moneys through the medium of contracts made under the direction of the Executive. Both of these branches were included in an estimate of the amount of Executive patronage, made by Mr. Gallatin, in '99, and I took the list of items, enumerated by him, as the basis of my calculation.

In doing this, I found that the "annual pay of the officers in the several Departments of the Treasury, State, War, and Navy, and their dependencies; of the Attorney-General, and Postmaster General, Judges, Marshals, and District Attorneys, Officers of the Customs, Postmasters; of Diplomatic characters, Commercial Agents, (exclusive of Consuls,) Commissioners under Treaties, Territorial Officers, Indian Agents, Surveyors, Registers, Receivers, &c.;" in fine, the pay of all Civil Officers, whose appointments depend upon the Executive, added to the commissioned officers of the Army and Navy amounted to about \$3,500,000; and that the amount of moneys disposed of by contracts made under the direction of the Executive, including Fortifications, Docks, Navy Yard, Internal Improvements, Lighthouses, transportation of the Mail, supplying the provisions, clothing, guns, cannon, &c., for the Army, building ships and furnishing supplies necessary for the Navy, was about \$4,500,000; making an aggregate of eight millions annually: four times the amount of Executive patronage, as estimated by Mr. Gallatin in '99.

Now, sir, when the honorable gentleman from Pennsylvania comes to survey this immense field, so productive in rich rewards, he can no longer, I am sure, consider its possession a disadvantage to those who enjoy it. He will see that, although the hopes of an expectant may be sometimes disappointed, in relation to a particular office, yet that, in the multiplicity of other boons and favors to be disposed of, ample means are afforded to retain his fidelity, and to console and indemnify him for his first disappointment.

Believing this immense force of Executive patronage to be dangerous to the public liberty, and as the disbursements of public money must necessarily be made by the Executive branch of the Government, that every increase of expenditure tends directly to increase the influence of that Department, I am for embracing every fit occasion to reduce the public expenditure to the real demands of the public service. It is with reference to this great political object, that I attach so much importance to a wise

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economy in the administration of our public affairs. When Mr. Burke proposed his great scheme of economical reform, he did not look merely to the saving of money, though that was something to a people groaning beneath the weight of their public burthens—but he looked beyond, to the higher object of diminishing, through the instrumentality of pecuniary retrenchment, the dangerous and growing influence of the crown. When, in the same memorable year, Mr. Dunning submitted his celebrated resolution, affirming that the “influence of the Crown had increased, was increasing, and ought to be diminished,” he submitted by the side of it another resolution, affirming it to be the right and the duty of the House of Commons to examine into, and correct abuses, in the expenditure of the public revenue, and declared that both propositions stood upon one great principle. Sir, there was a period in the history of our own country, when these doctrines were not only avowed, but practised. I allude, sir, to the Presidency of Mr. Jefferson, which I have ever looked back to as the purest era of our Government—as the era of sound principles and correct practices. As I hope the doctrines of that day will once again, at no very remote period, come into favor, and as they are particularly applicable to the subject of our present deliberations, I must beg permission to read a beautiful development of them in the words of their great teacher.

In his first official communication to Congress, he held the following language :

“These views are formed on the expectation that a sensible, and, at the same time, a salutary reduction, may take place in our habitual expenditures. For this purpose, those of the Civil Government, the Army, and Navy, will need revival. When we consider that this Government is charged with the external and mutual relations only of these States; that the States themselves have the principal care of our persons, our property, and our reputation, constituting the great field of human concerns, we may well doubt whether our organization is not too complicated, too expensive—whether offices and officers have not been multiplied unnecessarily, and sometimes injuriously to the service they were meant to promote. I will cause to be laid before you an essay towards a statement of those who, under the public employment of various kinds, draw money from the Treasury, or from our citizens. Time has not permitted a perfect enumeration, the ramifications of office being too multiplied and too remote to be completely traced in a first trial. Among those who are dependent on Executive discretion, I have begun the reduction of what was deemed unnecessary. The expenses of diplomatic agency have been considerably diminished. The inspectors of internal revenue, who were found to obstruct the accountability of the institution, have been discontinued. Several agencies, created by the Executive authority, on salaries fixed by that also, have been suppressed, and should suggest the expediency of regulating that power by law, so as to subject its exercise to the legislative inspection and sanction. Other reformatations of the same kind will be pursued, with that caution which is requisite,

in removing useless things, not to injure what is retained. But the great mass of public offices is established by law, and, therefore, by law alone can be abolished. Should the Legislature think it expedient to pass this roll in review, and to try all its parts by the test of public utility, they may be assured of every aid and light which Executive information can yield. Considering the general tendency to multiply officers and dependencies, and to increase expense to the ultimate term of burthen which the citizen can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off the surcharge; that it never may be seen here, that, after leaving to labor the smallest portion of its earnings, on which it can subsist, Government shall itself consume the residue of what it was instituted to guard. In our case, too, of the public contributions entrusted to our direction, it would be prudent to multiply barriers against their dissipation, by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object, or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money; and by bringing back to a single department, all accountabilities for money, where the examination may be prompt, efficacious, and uniform.”

I said, Mr. Speaker, that I had always regarded the Administration of Mr. Jefferson as the purest and brightest era of our Government. Is not the pregnant extract, which I have just read from his first message to Congress, sufficient evidence, in itself, of the justness of this praise? Is it possible to conceive a nobler spectacle than he presented on that occasion? The Chief Magistrate of a nation voluntarily divesting himself, by his own act, where it was competent for him to do so, of every attribute of his power, which, however advantageous to himself, he deemed to be inconsistent with the public interest; and in cases where it was not competent for him to apply the remedy, calling upon the legislative authority to do so, by reducing his patronage, circumscribing his discretion, and defining his powers! Sir, the spectacle is rare as it was noble. If it was not presumption in me, I would venture to recommend it to the imitation of the distinguished individuals who now preside over the administration of our public affairs. They might find it, perhaps, the most effectual means of acquiring present popularity, as it certainly would be of earning true glory for the future. But they seem to have taken a different view of what became their situation.

Their whole course has been in striking contrast with the self-denying republicanism of Mr. Jefferson. Instead of renouncing the exercise of power which the laws and the constitution had given them, we have seen them laying claim to powers which are sanctioned by neither; instead of the suppression of unnecessary offices, and the curtailment of Executive patronage, we have seen them rapidly multiplied and increased, under their auspices; in-

stead of recommending the limitation of Executive discretion over the public disbursements, we have seen them asking for large grants of public money, to be expended at their mere will and pleasure. To descend a little more into detail—let me ask if “the expenses of diplomatic agency have been considerably diminished?” It is notorious that they have increased, and I shall presently attempt to give some idea of the extent of that increase. Have “any agencies, created by Executive authority, on salaries fixed by that also, been suppressed?” Let the secret history of the Executive Departments give the answer.

What respect has been paid by the present Administration to those great maxims of fiscal responsibility, inculcated by Mr. Jefferson? Have they been willing to acquiesce in the doctrine of “appropriating specific sums to every specific purpose susceptible of definition?” For an answer, I refer to an estimate of one of the Departments; in which, to effect a survey of roads and canals of national importance, which may surely be defined, if any thing be susceptible of definition, we are asked to appropriate a sum of \$50,000—it was \$30,000 last year—for the survey of such routes as the President may think proper to denominate national. Have they shown more respect for another of those maxims, that which enjoins a “disallowance of all applications of money varying from the appropriation in object, or transcending it in amount?” There is now a communication upon our tables from the head of another of the Departments, seeking to be emancipated from this restraint, and asking for the privilege of transferring appropriations from one object of expenditure to another. Has there been a disposition manifested in the estimates of any of the Departments, to “reduce the undefined field of contingencies, and thereby circumscribe discretionary powers over money?” Sir, it will be found that this “field of contingencies,” instead of being reduced by the present Administration, has been greatly extended, and that “the discretionary powers of the Executive over the public money,” have been proportionately enlarged. Some of the items in this increase of “contingencies,” I shall have occasion to bring more particularly to the notice of the House.

As I have thus ventured, Mr. Speaker, to present myself in the unfashionable, if not invidious character, of an economist, I must be permitted to state, somewhat more in detail, what are my notions upon this subject. Though the advocate of economy, I am not, sir, the advocate of a niggardly parsimony. I would do away with all sinecure places; all supernumerary offices, which serve no other purpose than to be snug receptacles for court favorites, and channels of Executive influence. But, in relation to officers who are really necessary to the public service, I would give them liberal compensations. I know not, at this moment, a solitary officer, whose salary I would reduce.

I would touch the salary only through the office; and by one and the same act, wherever I found a sinecure, or a mere nominal employment, I would sweep both the salary and the office. In regard to those great public establishments essential to the security of the country, I would maintain them all in a state of salutary vigor and efficiency; but as the best means of doing that, I would endeavor to free them from incumbrance, and to purge them from abuse in every branch of their administration. This, sir, is my idea of public economy.

Sir, I have been very much surprised that this proposition of retrenchment has been so promptly met as an attack upon the present Administration. Are they not friends of economy? The President has given us the amplest professions upon this subject—even of a “strict” and “vigilant” economy. Do his friends distrust his sincerity, or does their sensibility, on the present occasion, arise from the proposed inquiry into the disbursements of the Government? Sir, this is made our duty annually, by the standing rules and orders of the House. It is a duty imposed upon us by a still higher authority—that of the constitution itself: which requires that “a regular statement and account of the receipts and expenditures of all public money, shall be published from time to time.” Now, sir, to make this published statement of the expenditures of public money what it was designed to be, a check on extravagance and abuse, it must, sometimes at least, embrace particulars and details which can be elicited only by special inquiry.

But an honorable gentleman from Massachusetts (Mr. EVERETT) seemed to think that we had no rightful authority to inquire into the expenditure of one of the funds embraced by the proposed inquiry—the fund for the contingent expenses of foreign intercourse. He seemed to think that this fund was put into the hands of the President as the constitutional organ of our intercourse with foreign nations, and that as such he had a right to dispose of it in any manner he pleased, without disclosing the particulars of its expenditure to any one, and that, by the proposed inquiry, we should invade a high prerogative of the Presidential office. Sir, I will first remark that this objection proceeds from a misapprehension in point of fact. None of the resolutions call for the particulars of the expenditures out of this fund. They only ask for the respective amounts of what has been expended out of this fund and settled at the Treasury, without any specification of the nature of the expenditure, and of what has been expended and settled in the usual way, upon specific vouchers. The law authorizes the President to cause the expenditures out of this fund to be settled at the Treasury, “by specially accounting for the same, in all instances wherein the expenditure may, in his judgment, be made public;” and in other instances by merely making a certificate

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of the amount of such expenditure as he may think it advisable not to specify." Now, sir, the resolutions under consideration ask only for the aggregates of these two classes of expenditures; and do not seek a disclosure of the particular items of either. There is, therefore, no foundation, in point of fact, for considering these resolutions as invading any prerogative of the President, even if the doctrine of the gentleman from Massachusetts were correct.

But, sir, as I consider that doctrine altogether erroneous, and of dangerous consequence to the legitimate functions of this House, I beg leave here to protest against it. It was once contended in England, that the House of Commons had no right to inquire into the expenditure of the civil list revenue, because that was to be regarded in the nature of a private and personal grant to the King, subject exclusively to his own discretion. There was a plausible ground for that claim in England, inasmuch as the civil list revenue is always settled upon the King, at his accession, for life. But even there, it has been long since repudiated, and abandoned by Ministers themselves, and the civil list revenue, as well as every other branch of the public revenue, is held to be a trust, in the hands of the sovereign, subject, at all times, to examination and control by the Representatives of the people. If this be the acknowledged doctrine in England, in relation to a monarch holding his power independently of any express act of consent on the part of the people, how much more applicable is it to a Government like ours, where the Chief Magistrate is the immediate creature and servant of the public will and responsible for all his acts?

This idea of the responsibility of the President, in regard to the disbursements of what is commonly called "the secret service" fund, is founded upon a total misconception of the act of Congress, to which I have already referred. That act of Congress, properly considered, does not vest any right in the President. It only conveys an authority to the accounting officers of the Treasury, and empowers them to credit disbursements of public money, in certain cases, without specific vouchers, which, otherwise, they would not have been authorized to credit. Hence, the concluding declaration of the law, that, in cases of secret service, the mere "certificate of the President shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended." The true purpose and effect of the law, is to protect the President from disclosing the nature of his expenditures out of this fund, to the accounting officers of the Treasury, and not from communicating them to the Representatives of the people, in their high official character, as the grand inquest of the nation, if they deem it expedient to call for them. This power of Congress is an inherent and fundamental right of the people, and can never be abandoned in principle, without betraying the interests and privileges of our constituents. How far it may

be safe and prudent to exercise it, is another question—one of mere discretion, which must depend upon the particular circumstances of each case, as it shall arise.

Believing it to be the right and the duty of this House, at all times, to institute any inquiries it may deem necessary into the disbursements of public money, I should vote for the present inquiry upon general principles alone. But I confess, sir, I have a further reason for giving my assent to the proposed investigation, in the present instance. I find that much larger sums have been furnished to the present Administration, on account of all the funds embraced in the scope of this inquiry, than were furnished to the Administration which preceded it; and hence it seems to me to be particularly proper, that we should inquire what has created the necessity for these increased supplies, and in what manner they have been disposed of. For the purpose of exhibiting this difference more distinctly to the House, I have compiled from our appropriation laws, a comparative statement, showing the sums appropriated for the contingent expenses of the several Departments, and the contingent expenses of foreign intercourse, during the three last years of the last Administration, to wit, 1822, 1823, and 1824; and the sums appropriated for the same objects during the three years of the present Administration, to wit, 1825, 1826, and 1827. (Here Mr. R. exhibited a table.)

	1822.	1823.	1824.	Total.
Contingent exp. State Dep.	24,492	18,800	27,350	70,642
" " Tr'y Dep.	36,000	30,300	28,150	92,450
" " War Dep.	6,000	6,000	7,000	19,000
" " Navy Dep.	6,068	5,768	6,450	19,286
" " For. Inter.	10,000	10,000	40,000	40,000
" " Missions.	10,000	10,000	20,000	40,000
	82,560	70,868	128,950	282,378
Aggregate expenses of } Foreign Intercourse	138,000	82,000	198,500	456,500
Contingent ex. Dep. and } ex. For. Intercourse.	265,560	152,868	390,450	788,878

	1825.	1826.	1827.	Total.
Contingent exp. State Dep.	25,550	23,085	23,050	81,685
" " Tr'y Dep.	30,150	24,950	34,750	109,850
" " War Dep.	7,000	9,910	11,050	27,960
" " Navy Dep.	5,950	5,950	6,950	18,850
" " For. Inter.	40,000	40,000	30,000	110,000
" " Missions.	30,000	30,000	20,000	70,000
	128,650	150,905	132,300	411,844
Aggregate expenses of } Foreign Intercourse	317,500	331,500	185,000	834,000
Contingent ex. Dep. and } ex. For. Intercourse.	386,150	382,405	317,300	1,045,844

From this exhibit, it will be seen, that the total amount of appropriations for each of the contingent funds in question, for the three years of the present Administration, has greatly exceeded the total amount of the appropriations for the same funds, during the last three years of the preceding Administration; presenting, in the aggregate, an increase of little less than



50 per cent. To this table, I have subjoined a statement of the appropriations for the whole expenses of foreign intercourse, both regular and contingent, for the same periods, exhibiting an increase of corresponding extent, in that branch of the public service, under the present Administration. I have included the appropriation for foreign intercourse generally, because that is a subject particularly referred by the constitution and the practice of the Government, to the discretion of the Executive; and for the regulation of its expenses, therefore, the Executive is particularly responsible.

Some gentlemen may, upon the first blush, account for the great difference in the appropriation for this branch of the public service, under the present and late Administrations, by referring it to the opening of our diplomatic intercourse with the South American States. But it so happens, that that intercourse was opened several years before the commencement of the present Administration; and that, in the very first year embraced by the statement, to wit, in 1822, a sum of one hundred thousand dollars was appropriated, by a separate law, for defraying the expense of missions to the independent nations of South America. The comparison, then, is altogether fair, embracing two equal periods of time, when the circumstances of the country, in its foreign relations, were as similar as they well could be. The other subjects of comparison in the foregoing table, are confined to contingent appropriations, because, in the disbursement of them, the Executive and its officers have an unlimited discretion, and must, therefore, be held exclusively responsible for excessive or improper expenditures.

Before I take my leave of this table, I will call the attention of the House to a fact disclosed by it, in connection with a vaunting remark made by a friend of the Administration, (Mr. PEARCE,) a few days ago. He claimed great credit for the Administration, that they asked no appropriation for contingent expenses of foreign intercourse, during the present year; and either he or some other gentleman gave us to understand that such a thing had not happened before, since the origin of the Government. Certain it is that I have seen this statement made in a tone of great confidence and self-applause, in several leading journals devoted to the support of the Administration. Now, sir, we are not under the necessity of travelling very far back for a refutation of this assertion; for it so happens, that, in two out of three years of the last Administration, embraced by the statement I have exhibited, there was no such appropriation. The years 1822 and 1823, it will be seen, present perfect blanks as to this appropriation. If we go further back, we shall find long tracts of time, during which there was no such appropriation. For four or five successive years of Mr. Jefferson's Administration there was none.

I said, Mr. Speaker, that the large increase in

the supplies granted by Congress to the present Administration, for these objects, rendered it particularly proper that we should inquire into their disbursement. I do not mean to say (because I have no knowledge upon the subject) that there has been any thing wrong in that disbursement; nor do I mean to say, that the actual expenditure has been equal to the appropriations. But as we all know that the appropriations made by Congress are founded upon estimates, furnished by the several Departments of what they will require for their respective operations, the appropriations made must be regarded as a fair criterion for approximating, at least, the actual expenditures of the Government. If the increase of expenditure, in the several branches of the public service, embraced by the statement I have exhibited, has not kept equal pace with the increase of appropriations, I have seen enough to satisfy me that that increase has, at least, been very considerable, under the present Administration.

The aggregate expenditures of the Government have notoriously increased. I here speak of its ordinary current expenditures, by which I mean all expenditures, except payments on account of the public debt, and demands arising from treaties with foreign nations. Those expenditures, in 1822, were \$9,827,642; in 1823, \$9,784,152; in 1824, \$10,448,779, making a total sum, during the three last years of the last Administration, of \$30,060,578. In 1825, the same class of expenditures amounted to \$11,416,582; in 1826, to \$13,062,316; 1827, to \$12,285,530; making a total sum during the three years of the present Administration, of \$36,764,428. The increase of the ordinary expenditures of the Government, under the present Administration, compared with a corresponding period of the last Administration, has amounted, then, to an annual sum of \$2,234,618.

Now, sir, I do not mean to hold the Executive responsible for the whole of this increase of the public expenditures; but as their friends are ever ready to claim for them the credit of whatever good has been done since they came into power, it is but fair that they should bear a portion of the blame for the evil which may have been committed. We are perpetually told of the sixteen millions of the principal of the public debt, which have been extinguished under the present Administration, as an evidence of their good management, and as if the merit belonged personally and exclusively to them. If they are to have the whole credit of this operation, they must submit to bear a portion, at least, of the blame which may be imputed for not doing more. The statement which I have just made, shows that if the expenditures of the Government under the present Administration, had been kept within the limit assigned to them by the last Administration, a further sum of near seven millions of dollars might have been applied to the extinguishment of the public debt; and, instead of sixteen millions, twenty-three millions of it might have been

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discharged, since the present Administration came into office. Considering "the deep solicitude" which the President himself informs us, "is felt by every class of our citizens for the total discharge of the public debt," and the earnest desires professed by himself upon the subject, it was justly to have been expected that he would use all his influence and all his vigilance to hasten a "consummation so devoutly to be wished."

Now, sir, with such facts as these before our eyes, is it very surprising that some of us should entertain and venture to express the opinion, that, whatever other merits the present Administration may possess, an exemplary frugality is not one of them? There are many persons in this country who have not regarded the last Administration as a model of public economy. If they were obnoxious to the charge of extravagance, what must be said of the present Administration? And yet the honorable gentleman from Massachusetts, in his pathetic summary of the wrongs and persecutions of the present Administration, specially complained of the charge of extravagance. He seemed to think it a very hard case that those, whom he considered such good stewards of the public resources, should be regarded by others as rather deficient in some of the attributes of that character. He complained, too, that the members of the cabinet, whom he eulogized for their distinguished talents, their wisdom, their virtues, their public services, had been viewed and spoken of with less admiration by others; and set all this down to the account of a persecuting spirit.

WEDNESDAY, February 6.

The House took up the resolution on Retrenchment.

Mr. DRAYTON said, from the tenor of the resolutions moved by the gentleman from Kentucky, (Mr. CHILTON,) and of the amendments to them, offered by the gentleman from South Carolina, (Mr. HAMILTON,) it appears, that their objects are to inquire into the expenditures of this Administration, and to ascertain whether they cannot be diminished. To one of these expenditures, that relating to what has been termed "the secret service fund," the amendment of the gentleman from Maryland, (Mr. DORSEY,) exclusively applies, and is amendatory of an amendment of the gentleman from South Carolina, upon the same subject. No other exception, then, could be urged against the amendment of the gentleman from Maryland, than that it was superfluous, being embraced within the scope of the amendment of the gentleman from South Carolina. Admitting this to be the case, it is not worth an argument, or rather the time which the argument would consume, to show that the amendment is superfluous; because its reception will not interfere with, or embarrass the proceedings of any committee, to which the pending resolutions may be refer-

red. But, if the amendment of the gentleman from Maryland is calculated to render more full and perfect the information sought for by my colleague, then, of course, it ought to be adopted; that it is calculated to produce that effect, seems to me to be manifest. The mere specification of the amount of moneys disbursed by the present Executive, out of the secret service fund, unconnected with the knowledge of what has been expended, out of the same fund, by his predecessors, would be useless. Without comparing together the amounts thus disbursed by the President and by his predecessors, and taking into consideration the times, and the situation of the country, in its internal and external relations, we can arrive at no conclusion approaching to satisfaction. These comparisons are impossible, unless the amendment of the gentleman from Maryland be acted upon, and, therefore, it ought to be adopted. With all possible official lights, we shall still be at a loss to form an opinion upon the propriety or impropriety of disbursements, regulated by Executive discretion, often exercised upon delicate transactions, which both policy and good faith require to be kept secret. It has been suggested, that the committee without this amendment would make the investigation it calls for; but they might not. By the tenor of the resolution, relating to the secret service fund, they would not be, necessarily, lent to that extended investigation, as the language of the resolution limits the inquiry to the disbursements by the President in office. To guard against any omission, and to obtain the facts required, we therefore give to our committee the instructions we think proper for its guidance. Committees are the organs of this House; and 'tis the right, and the duty of the House to give them such directions as it thinks best calculated to attain its objects, and leave to inference, what may be rendered definite and certain. 'Tis also desirable, whenever an inquiry is instituted into the conduct of a public officer, that every semblance of prejudice, or party spirit, should be avoided. In moving his amendment, my friend and colleague was influenced by fair and honorable motives; but if an amendment, the effect of which is to throw light upon the conduct of this President, by comparing it with that of other Presidents under similar circumstances, should be rejected; then the inference might be drawn, that the resolution of my colleague was framed with the view of excluding necessary and important information, and a character be thus given to it at variance with what he intended. In conducting an inquiry into the conduct of a public officer, we ought not only to have all the evidence before us, which we think is calculated to enlighten our judgments, but which the friends of that officer, upon this floor, may deem necessary for his justification, unless what is required should be plainly indative. Whether the amendment of the gentleman from Maryland be important or unimportant, may admit of a difference of opinion: that it is not indative,

H. OF R.]

*Retrenchment.*

[FEBRUARY, 1823]

will be conceded by every one. For these reasons, I am in favor of the amendment which has been proposed by the gentleman from Maryland.

The yeas and nays being taken, were—yeas 173, nays 2.

The question was put to agree to the resolutions of Mr. CHILTON, as amended, and was determined in the affirmative unanimously.

So the resolutions passed in the following form :

“ *Resolved*, That a Select Committee be appointed, whose duty it shall be to inquire and report to this House, if any, and what, retrenchment can be made, with safety to the public interest, in the number of the officers of the Government of the United States, and in the amount of salaries which they may respectively receive ; more especially, to report specifically on the following heads :

“ 1st. What reductions of expense can be made in the State Department, in the number and salaries of the officers and clerks attached to this Department, in the expenses regulating the foreign intercourse, and in the printing and distribution of the public laws of the United States.

“ 2d. What reductions in the Treasury Department, and whether an effective system of accountability, and for the collection of the public dues, is there established.

“ 3d. What reductions of expense can be made in the Navy Department, in the clerks and officers now acting subordinately to the Secretary of the Navy.

“ 4th. What reductions of expense can be made in the Department of War, in the Indian Department, and in the clerks and officers now acting subordinately to the Secretary of War.

“ 5th. What reductions of expense can be made in the number of officers, and the amount of compensation which they may receive, in the Postmaster General's Department.

“ And that the committee be further instructed to examine the several contingent funds of each of these Departments, and to report the amount and objects for which disbursements have been made, from these funds ; and that they report the amounts, vouched and unvouched, which have been paid from the secret service fund, since the first day of July, 1790, or the fund regulating the contingencies of foreign intercourse, and of the fund for the expenses of the intercourse with the Barbary Powers.

“ And that they further report whether the compensation of members of Congress should be reduced ; and whether the fixed salaries of the officers of this House and its contingent expenses, can, with propriety, be diminished.

“ And further, that they inquire whether any modification of the sinking fund act can be made, with a view of producing a more speedy extinguishment of the public debt.”

Mr. HAMILTON, Mr. INGHAM, Mr. SERGEANT, Mr. RIVES, Mr. EVERETT, Mr. WICKLIFF, and Mr. WRIGHT, of New York, were appointed the committee.

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